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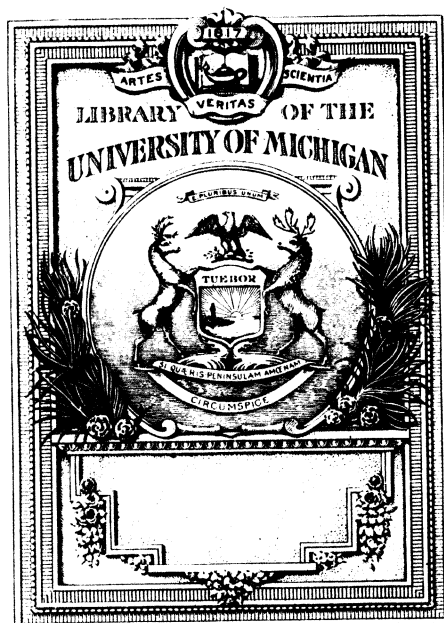
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## THE PHILIPPINES





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# THE PHILIPPINES

*To the End of the Military Régime*

## AMERICA OVERSEAS

*By*

CHARLES BURKE ELLIOTT, Ph. D., LL. D.

*Author of*

THE LAW OF PRIVATE CORPORATIONS

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PREFATORY NOTE BY ELIHU ROOT

*Portraits in Photogravure*

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**BY CHARLES BURKE ELLIOTT**

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By acknowledging and accepting the Sovereignty of the United States throughout the entire Archipelago, as I now do without any reservation whatsoever, I believe I am serving thee, my beloved Country.

—*Emitio Aguinaldo.*

How weary a step do those take who endeavor to make out of a great mass a true political personality.

—*Edmund Burke.*

320718



To my friend  
**SIR FREDERICK DEALTRY LUGARD**  
G.C.M.G., D.S.O., D.C.L.  
Governor-General of Nigeria,  
Soldier and Colonial Administrator





## PREFATORY NOTE

Other matters of critical importance have engrossed the interest of the people of the United States in recent years to such a degree that we have been losing rather than gaining in our knowledge of affairs in the Philippine Islands. When the dramatic incidents of war had ceased to furnish material for striking news items and new issues had superseded the political and Anti-Imperialist controversies of our early occupation we ceased to hear or to think very much about what was going on in that distant part of the world. That is not strange in view of the preoccupation of our domestic politics, of Mexican affairs, and of the great war in the Old World; but it is a condition which ought not to continue.

The question whether it was wise or unwise for the United States to take title to the Philippines and assume the burden of government there no longer calls for consideration. We did take the Philippines. We acquired the rights and undertook the duties of sovereignty. We declared a trust for the benefit of the people of the Islands. We are committed to the undertaking. Self-respect requires that we should discharge the obligations that we have assumed. We can not relieve ourselves from them except in one way, and that is by carrying our performance to such a point that our *cestuis que trustent* will be competent to take care of themselves. When that point is reached we can resign the trust with credit; but not until then. This is not a new view. It is the view with which we began. We took a position at the very outset removed as far as possible from the old ideas of colonial exploitation of which Java has been the most long continued and conspicuous illustration. We declared our adherence to the most advanced modern view of colonial relations—the view that the good of the colony is to be the primary consideration in all administration. We did what is rather a remarkable thing for any people to do. We took the same view

#### PREFATORY NOTE

of rights and duties when we became sovereign and the Filipinos colonists that we did in the time of the American Revolution when we were colonists and Great Britain was sovereign. We did not stop there. We undertook to go a little farther than other countries had gone and to make the first consideration in our government of the Islands the training of the inhabitants in the difficult art of self-government so that they would as soon as possible become competent to govern themselves instead of being governed by us. Accordingly one of the first things that we did was to send over teachers by the shipload—thousands of them—and to establish schools all over the Islands. And then we provided a form of government under which the Philippines should receive what may be called clinical instruction in administration and in the application of the principles which we consider vital to free self-government, and we provided that, step by step, just as rapidly as they became familiar with the institutions of free government and capable of continuing them, the powers of government should be placed in their hands. I am sure that this view of suitable treatment of the Philippines so long as we are to be in the Islands at all commends itself to the best intelligence and the practical idealism of the American people. If we carry it through successfully it will result in great credit to our country throughout the world; but we can not fail in it, whether by our own misconduct or by weak abandonment of the duty we have undertaken, without being greatly discredited throughout the world. One peculiarity of having colonial affairs to deal with in these times is that the country which exercises control over a colony is always itself on trial in the public opinion of mankind. The people of a country can make a thousand mistakes about their own internal affairs and recover from them as best they may, and very few people outside the country know or think anything about it. The treatment of a colony, however; success or failure in establishing good government there; in producing peace and prosperity and human progress there—all the multitude of facts involved in this success or fail-

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ure constitute a simple, concrete whole of which the world takes notice and upon which the ruling country is judged. More important still probably is the effect upon national self-respect and patriotism of doing such a piece of work well or making a discreditable failure in it.

As I look back over American administration in the Philippines from the Treaty of Washington in the spring of 1899 down to the close of the Taft Administration in the spring of 1913, I think the American people are entitled to say to themselves that their work was well done. We maintained in the Islands a very able and honest government which constantly and effectively kept in view the very high standard of purpose with which we began. By limiting this statement to the end of the Taft Administration I do not mean to imply that I think any differently of our administration since that time. I simply do not know enough about it since then to make an assertion one way or the other. The time during which I knew about the Philippine government covers the first fourteen years, and as to that time I say that the people of the United States ought to be proud of their government in the Philippines and grateful to the men and women who reflected credit on their country by giving their strength and lives to that public service.

It is idle, however, to expect that kind of service to continue indefinitely if nobody at home cares or knows anything about it. The service will inevitably deteriorate and become a source of painful discredit if the people of the United States do not keep themselves sufficiently informed about what is being done in the Philippines and sufficiently interested in it to make service there the basis of reputation here. The standard of service will inevitably be lowered and the best men will refuse it if the people in the United States become so ignorant and indifferent that there is no way of discriminating between just criticism upon a bad officer and that detraction to which faithful service is always subject, or between just condemnation and the fulsome praise which is dictated by policy and a desire to curry favor. Corrup-



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tion and abuse will creep into any official service that is not subject to be inspected and called to account. If the people of the United States wish to have good government carried on in the Philippines and to have their duties there discharged in a creditable way they must take an interest in that government and watch it.

Moreover, there are serious questions about the Philippines to be determined, not by the Filipinos or the local government, but by the people of the United States. The question to what extent the natives are showing themselves competent to carry on government; when we ought to consider that our task has been so far performed that we are at liberty to turn the Islands over to the control of the natives; what measure of protection we shall accord to them thereafter, if any; what reservations, if any, will be necessary to make any such protection to them consistent with our own safety, such, for instance, as the provisions of the Platt Amendment regarding Cuba. All these questions are of great importance to the people of the United States as well as to the people of the Philippine Islands. We ought not to decide them without knowledge—and that knowledge to be really useful must be acquired not at the moment when the questions have to be decided, but through keeping up a familiarity with the government of the Islands as we go along from year to year. The American people have had some very serious lessons to teach them the truth that self-government is an art to be acquired and that it is a terrible evil for a people to have imposed on them a form of government which it is beyond their capacity to carry on. We gave the ballot to the Blacks of the South at the close of the Civil War upon the theory that if they had an opportunity to vote they would be self-governing; and we made a ghastly failure of the experiment and inflicted great injury upon the Blacks themselves because our theory was wrong. We have now a distressing illustration in Mexico of the evils which can befall the people who are relieved from the restrictions of one form of government before they have become competent

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to establish another. In the Caribbean we have been proceeding upon an entirely different theory as illustrated by the Platt Amendment with Cuba and the San Domingo treaty. This theory is that the best service we can render to the peoples whom we wish to benefit is to help them to acquire the art of self-government. This is the theory upon which we are proceeding in the Philippines, but the application of such a theory requires knowledge and genuine interest and sympathy, and these qualities ought to characterize the relations of the people of this country to the people of the Philippine Islands.

I think that the book by Judge Elliott to which this is a prefatory note will be very useful in making the people of the United States better acquainted with the Filipinos and with our government there. The Judge's long service upon the Bench of the Supreme Court of the Islands and as a member of the Philippine Commission and Secretary of the Department of Commerce and Police gave him special facilities for observation and sound judgment regarding men and affairs in the Islands, and it seems to me that he has availed himself of that opportunity with the impartiality and thoughtfulness which have characterized his previous valuable work.

ELIHU ROOT.

August 8th, 1916.



## ACKNOWLEDGMENT

Throughout the preparation of these pages I have been very fortunate in securing the cheerful cooperation and generous assistance of many of my friends and former colleagues in the Philippine government, as well as of others who are familiar with the subject treated. To acknowledge my indebtedness in detail would consume far more space than is available. It is possible to mention only a few of those who, with counsel and labor, have rendered me invaluable aid during the years which the writing has consumed.

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To my son, Lieutenant Charles Winslow Elliott, Thirty-Sixth United States Infantry, I owe much of the material embodied in the chapter on the Moros. The proofs of that chapter were very kindly read by Lieutenant-Colonel John P. Finley, Fourth United States Infantry, who was for many years Governor of the District of Zamboanga in the Moro Province. A recognized authority on Moro life and customs, he made many valuable suggestions and important corrections.

To my wife, without whose constant encouragement and active assistance the work would never have been completed, I acknowledge my deepest obligations.

Mackinac Island,  
August 25th, 1916.

C. B. E.



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# THE PHILIPPINES



## **INTRODUCTORY**



# THE PHILIPPINES

## CHAPTER I

### The Theory and Practise of Colonization

Problems of Modern Colonization—Changing Theories—Development of Backward Races—American Theories—Political and Economic Growth—Ancient Colonization—Nature of Greek and Roman Colonies—The Middle Ages—Spanish, Portuguese and French Colonization—English Methods and Theories—The New Era—Development of the Tropics—New French, Italian and German Colonization—Modern Native Policies—Recognition of Obligations—Queen Victoria's Proclamation of 1858—The Self-government Principle in India and Egypt—Moral Justification for Western Rule—The United States in the Tropics—Recognition of Duty to the Natives—Their Political Development—European Criticism—Controlling Principles—Education of the Natives—Attitude Toward Native Aspirations—Policy Not Repressive.

It is only within recent years that colonizing states have found it necessary to adopt a systematic policy for controlling and developing the native population of their tropical possessions. Prior to the opening of the present era colonies were supposed to exist for the sole benefit of the metropolitan state; the natives were regarded as obstructions to be as rapidly as possible eliminated or assimilated.

In the tropics industry, although directed by white men, has always been dependent upon native labor. After slavery ceased to exist and forced labor could no longer be exacted, some method had to be devised to induce the people of their own free will, to furnish the labor which was essential for the development of industrial and agricultural enterprises. In addition thereto in colonies where the natives have made some progress, affairs have to be so managed as to induce the subject people to



accept and be satisfied with the supremacy of a foreign power.

Two problems, one economic and the other political, are thus present in every modern colonial situation and the predominant element at any time or place is determined by the stage of development of the colony and the aims and conceptions of the colonizing state. Thus, when the present European war commenced, German colonization, which was still in the plantation stage, was concerned primarily with the economic problem; Great Britain was groping for a native policy which would prevent the overthrow of her political supremacy, and the United States was placing the stress on the development of the natives.

All advanced nations now agree that the management and development instead of the destruction of backward races is an essential part of the *raison d'être* of colonization. But this is a modern conception. Two generations ago Sir George Cornwall Lewis, then the leading English authority, defined a colony<sup>1</sup>

<sup>1</sup>The French classify colonies as *Colonies de commerce*, *Colonies d'exploitation*, and *Colonies de Peuplement*. Francois et Rouget, *Manual de legislation coloniale*, p. 11. Leroy-Beaulieu, *De la Colonisation chez les Peuples Modernes* (Sixième édition, 1908), Chaps. V, XI. As used in England, the word colony has no exact meaning. For various definitions, see Lewis, *Government of Dependencies* (Lucas ed.), p. 168; Lucas, *Introduction to a Historical Geography of the British Colonies*, Chap. 1 (1899); Snow, *Administration of Dependencies*, Chap. 6; Keller, *Colonization*, Chap. 1.

The British Colonial Office makes an arbitrary classification of British possessions into Dominions, India and the Crown Colonies. For a classification of the colonies with reference to the forms of government, see Bruce, *The Broad Stone of Empire*, I, p. 226.

An approach to accuracy is reached if we describe an English colony as a dependent political community the majority or dominant portion of whose members belong by birth or origin to the metropolitan country to which they have no intention of returning. They are communities in which people from the home country have established their permanent homes. See Egerton, *Short History of English Colonies*, p. 9.

This fairly well describes all the British possessions other than dependencies, protectorates, and India, which is a class by itself. The essential elements are the origin and permanency of residence of the dominant element of the population. The original American settlements, Canada, Australia and South Africa, were thus properly called colonies. Purely military settlements such as Malta, Gibraltar, and semi-commercial and military stations such as Hong Kong and Wei-Hai-Wei are not colonies. Ceylon, Jamaica and Mauritius have a fair number of English settlers but are governed very much as Hong Kong and are designated as Crown colonies. India, Egypt, and the tropical settlements of France and Holland are properly called dependencies. Guam is a military station and the Philippines a dependency. In all communities of this class the *animus revertendi* is always present in the minds of the greater portion of the dominant race who reside in the country. They are

as a body of persons belonging to one country and political community, who having abandoned that country and community, form a new and separate system, independent or separate, in some district which is wholly or nearly uninhabited "*and from which they expel the ancient inhabitants.*"

A few years later Charles Dickens amused the public with his satirical portrait of Mrs. Jelleby, who was "devoted to the subject of Africa, with a view to the general cultivation of coffee—and the natives." But the sense of obligation for the growth of the natives as well as the coffee gradually developed until at present no statesman, trader or colonial business man dares ignore it. Recently Lord Milner, speaking at a meeting of the Royal Colonial Institute, said<sup>2</sup> that in the rivalry between the nations that one "will be most successful which exhibits the greatest wisdom in its efforts to promote the welfare and progress and contentment of its subject people."

Colonization has thus come to signify the extension by annexation or some form of protectorate, of the authority and activities of an established power over lands vacant or inhabited to some extent by a people of a lower order of civilization with the object of developing the resources of the country and ameliorating the physical and moral conditions of the natives. It thus involves moral, political and economic considerations<sup>3</sup> but not necessarily the training of the natives for self-government, or even for participation in the government.

In fact, European states generally affect to ignore the question

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there for purposes of government, or of trade, with the ever-present intention of returning to the homeland. Egerton, *supra*. The great body of the people who are born, live and die in such countries are of a different race and of a lower order of civilization. Colonies, as distinguished from dependencies, and from Crown colonies, in British nomenclature, belong almost entirely to the temperate zone. Dependencies and most Crown colonies are in the tropics.

<sup>2</sup> *United Empire* (N. S.), II, p. 136. On the same occasion Mr. George E. Foster, Minister of Trade and Commerce of Canada, said that the solution of the whole problem largely depends upon "the view we take as colonizing people of the trust which is imposed upon us by the assumption of dominion over the countries and peoples who inhabit those countries."

<sup>3</sup> Francois et Rouget, *Legislation Coloniale*, p. 3 (1909). See Girault, *Principes de Colonisation et Legislation Coloniale* (1895).

of the political development of the native people because it involves the question of the permanency of their tenure. The United States has frankly put it in the forefront of the program. Her experiment in tropical colonization in the Philippines has therefore certain features which deserve special attention. ✓ She accepts as axiomatic the principle that the good of the native people is the primary object of the metropolitan state. Her policy is distinctive in that it places stress upon the political as well as the economic development of the natives and on education as the primary means by which such development is to be effected.<sup>4</sup> It is almost unique in that its complete success requires the elimination of the metropolitan state from the situation.<sup>5</sup>

The modern theory of colonization leads logically to this conclusion, but the United States only has announced that complete self-government and ultimately an independent state is not only the incidental and possible result of its Philippine policy, but the direct object of its activities. America hopes that a prosperous tropical dependency will in the course of time grow into a free state through the development of the capacity of the people for self-government. If this most generous and altruistic of colonial projects fails, it will be because the Filipinos prove unequal to the responsibility which has been laid upon them. In that event America must be content with having given the distracted country order, peace, justice, and a high degree of material prosperity.

The work of the United States in the Philippines has therefore an important place in the history of colonization. It recognizes the naturalness and propriety of the aspiration of the natives for nationality and also the certain effect of Western education on Eastern people. It sees what is written across the heavens

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<sup>4</sup> The difference is one of priority and degree. Great Britain places order and material prosperity first and education second. The United States would use education as a means to secure these necessary objects.

<sup>5</sup> This is also true of England in Egypt. In India the concession of greater powers of self-government and larger participation in the work of government implies the permanence of British rule. Logically, however, it leads to the ultimate elimination of Great Britain, should the Indians ever grow into a nation and prove themselves capable of self-government.

and frankly attempts to aid and direct instead of obstruct what is a perfectly natural growth.<sup>6</sup>

A rapid glance over the history of colonization will enable one to understand and appreciate the dynamic force of the idea of nationality which is now so powerfully influencing the minds of Eastern peoples.

Colonization is as old as history. It has been going on since men first founded families, communities, cities, states and nations. Few things in nature have been less permanent than national boundaries and the territorial possessions of nations. States have been born, struggled for life, expanded, absorbed their neighbors, established colonies, decayed, been absorbed and disappeared from the map. Europe has been overrun, repopled, divided and subdivided, and Asia is one vast burial place of dead states.

All primitive peoples engaged in some form of colonization. The Chinese from motives of safety or trade gradually extended their boundaries until they embraced the great plains to the north and west, which have so recently been lost to a more aggressive race. They spread throughout the world but they establish no colonies; they remain strangers in the lands of their adoption.

The Phœnicians were the first colonizing people of whom we possess a record, and their influence has extended even to modern times. Forced out of their diminutive home country and impelled by the instinct of the trader, they established trading posts along the shores of the Mediterranean and even to the north as far as the coasts of Britain and Germany. They were not idealistic—they cared nothing for empire—and the political bonds between their colonies were weak or non-existent. Their motives were commercial or religious, not political. Absorbed in the struggle for wealth they were unable to consolidate and preserve a colonial empire and in time gave way for the Greeks.

<sup>6</sup> It may be well to state that few if any writers on colonial subjects show much confidence in the success of popular or representative government in the tropics. See Reinsch, *Colonial Government*, Chap. XI.

Lewis, *Government of Dependencies*, p. 307.

The Greek state occasionally established subordinate governments outside of its boundaries, but Greek colonization generally was conducted upon other theories. The Greek word for colony signifies a separation of dwelling, a departure from home, a going out of the house. It suggests a derivative but politically independent community.<sup>7</sup> "An ancient Greek colony," says Archbishop Whately,<sup>8</sup> "was like what gardeners call a *layer*, a portion of the parent tree, with some twigs and leaves embedded in fresh soil, till it has taken root and then severed." It was of such colonies that Turgot was thinking when he wrote that "colonies are like fruits which only cling until they ripen." When this final condition was reached separation according to the Greek conception of a political community as a mere city, was inevitable. According to Aristotle,<sup>9</sup> the state must be of moderate population because otherwise "who could command in war if the population were excessive, or what herald short of a Senator could speak to them?" As each Greek city increased in population it was necessary to replant another shoot because no city should be so large that any part of it was beyond the reach of a herald's voice. Such colonization has been compared to the swarming of bees or the migration of married children to their own homes.

As the city state increased in population it was therefore necessary that some should emigrate and we may assume that it was the adventurous, the unsuccessful, and the needy who, under the lead of a few bold spirits, became the founders of new states.

That assisted emigration was not unknown even in those early days appears from the institution *ver sacrum* which flourished among the Greco-Italian branch of the Aryan family during the time when Italy was being occupied. All the children born in one spring were dedicated to a certain deity which, being a reasonable deity, was willing to accept emigration in lieu of sacrifice. Its votaries were accumulated and when they reached a proper

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<sup>7</sup> See Adam Smith's *Wealth of Nations*, Book IV, Chap. 7.

<sup>8</sup> Note to Bacon's *Essay on Plantations*.

<sup>9</sup> *Politics*, Book VII, Chap. 4.

age were driven across the frontier and left to found a city for themselves.<sup>10</sup>

The Greek colonies were often founded without the express authority of the state, and were not designed to increase its power and dominion. They were usually established in some unoccupied or partially occupied territory and were practically independent from the first. Their relation to the parent state resembled somewhat that of the American colonies to England after the War of Independence.

Roman colonization was conducted under different conditions and upon entirely different theories. Rome dealt with subject people and was satisfied if she gave them peace, order and justice under Roman domination. Her vast and complicated system of dependencies can only be glanced at. Those in Italy were either city communities known as *municipia* or *coloniæ*. The former were cities formerly independent, which after being conquered, retained their local civil laws. The latter were generally established in existing towns after the citizens had been ejected. They were strictly dependent on the home state.

The colonists were sent out by Rome for the purpose of confirming and extending her influence and were paid for their services by grants of land. The old military colonies—the *coloniæ civium Romanorum*—were simply garrisons of Roman soldiers placed in the conquered towns of Italy. As the incoming Romans amalgamated with the native community they formed a colony which in time became a part of the Roman state. In the time of the Gracchi, colonies were founded beyond seas for the purpose of drawing off the surplus population and thus relieving the agrarian situation. Later, generals like Marius, Pompey and Cæsar established military colonies for the purpose of aiding their veteran soldiers.

Beyond Italy, conquered states after being "reduced under the formula of a province" became Roman dependencies. A province was under the immediate supervision of a resident provincial Roman governor styled at various periods, praetor, propraetor,

<sup>10</sup> Seeley, *Expansion of England*, p. 47.

or proconsul. Augustus divided the provinces into two classes—*senatorian* and *imperial*. Whether a province belonged to one or the other of these classes was determined by the *lex provincia* under which it was organized. In the former class a governor appointed by the Roman Senate controlled civil affairs, while military functions were reserved to an officer appointed by the Emperor. Civil and military authority were thus separated. In the imperial province a lieutenant of the Emperor directed both civil and military affairs.<sup>11</sup>

The laws regulating the appointment, powers and rank of Roman governors were uniform throughout the provinces. In all other respects the greatest diversity prevailed. The policy of the conquering Romans was to make only such changes in local laws and customs as were necessary to reduce the place to subjection. Civil laws, religion and local customs usually remained untouched. The Romans seem indeed to have concerned themselves as little as possible with local affairs. Like some modern colonial powers, they were satisfied with military rule and the prompt payment of the tribute.<sup>12</sup>

The laws of a Roman province consisted of the *formula* which prescribed the terms upon which it was annexed, the acts of the supreme Roman legislature, the edicts of the provincial governor, and the native laws as they existed before the country became a Roman dependency. The revenues were collected by Roman officers who remitted to Rome what was left after paying the expenses of the provincial government. A province sometimes paid its tribute in a gross sum. Taxation was not ordinarily excessive but the people suffered from the rapacity and extortions of governors such as Verras, made famous by Cicero's denunciation. Roman rule was maintained by a military system of marvelous

<sup>11</sup> See Lewis, *Government of Dependence*, p. 118, note.

<sup>12</sup> When Paul was brought before the judgment seat, Gallio, the deputy of Achaia said: "If it be a question of words and names, and of your law, look ye to it; for I will be no judge of such matters. And he drave them from the judgment seat. Then all the Greeks took Sosthenes, the chief ruler of the synagogue, and beat him before the judgment seat. And Gallio cared for none of those things." Acts xviii, 15-17.

efficiency. Magnificent roads and bridges connected the towns and fortified camps.

In the course of time the distinction between the different classes of dependencies in Italy and the provinces disappeared. The privileges of Roman citizenship were extended to the whole of Italy and finally to the distant provinces. During the reign of Constantine the provincial government system was completely revised. Financial and judicial functions were separated from the military power. A system of inspectors was established for the purpose of a more efficient control of the provincial governors. The Roman military, administrative and judicial systems, and Roman law, language and institutions, because of their value and efficiency, gradually superseded those of the natives. The vast superiority of the Roman law and particularly its scientific codification led to its universal adoption. In Justinian's time the provincial governors were required to receive a regular education in the Roman law schools. The provinces always retained subordinate governments.<sup>13</sup>

It has been generally asserted that Rome ruled the provinces for the good of her subjects and not for selfish gain;<sup>14</sup> but Ferrere says<sup>15</sup> that "we must abandon one of the most general and most widespread misconceptions which teaches that Rome administered her provinces in a broad-minded spirit, consulting the general interest and adopting wide and beneficial principles of government for the good of the subjects." Lord Cromer also says<sup>16</sup> that the colonial policy of Rome, when judged by modern standards, stands condemned.

The feudal kingdoms which arose upon the ruins of the Roman Empire were in some respects aggregations of dependencies. In the sixteenth century Spain ruled the kingdoms of Naples and Sicily, the Netherlands, and the Duchy of Milan, as prov-

<sup>13</sup> See Lewis' *Government of Dependencies*, Chap. 2, pp. 112-134; Keller, *Colonization*, Chap. 11; Broderick, *Political Studies*, Roman Colonies (1879); Arnold, *Roman System of Provincial Administration* (1879).

<sup>14</sup> Gwatkin, "Early Church History to A. D. 313," p. 52.

<sup>15</sup> *Greatness and Decline of Rome*, V, p. 3.

<sup>16</sup> *Ancient and Modern Imperialism*, p. 50.



inces under a system which resembled that of the Romans. Napoleon created a system of dependent states in Europe of which nothing vital remains.

During the early Middle Ages the maritime republics of Italy instituted the system of commercial posts or "factories" in the Levant, which later played so great a part in the development of the Far East. These factories were ordinarily parts or separate walled sections of certain cities within which the foreign merchants lived with their families. They were similar to the sections assigned to the Jews in European cities and centuries later to the Dutch and English on the coast of China. They were often fortified and not infrequently became the basis for territorial as well as commercial conquest.

During the period of the Latin Empire of the East, the Venetians, Genoese and Pisans maintained factories in Constantinople. The Venetians established colonies on the Black Sea, the Propontis, the Archipelago, the Morea, the coast of Syria, Cypress, and along the Adriatic Sea. These colonies were patterned after the mother city. When taxation was too heavy the people, subject to their government, occasionally revolted. In 1361 the population of Candia, which had been acquired by Venice, refused to pay a tax for public works and demanded representation in the Great Council of the home city. Venice considered her colonies in the Levant as an integral part of the state, but as existing for purely commercial purposes. She encouraged the members of her noble families to migrate to the colonies for the purpose of enriching themselves and upon their return to Venice with their ill-gotten wealth, raised them to the highest order of nobles. Necessarily under such a system the native people within her colonies were subjected to all kinds of oppression.

It is a remarkable fact that modern colonization was begun by the people who probably, judged by modern standards, had the fewest qualifications for such work.<sup>17</sup>

<sup>17</sup> Leroy-Beaulieu, *De la colonisation chez les Peuples Modernes*, I, p. 3. Keller, *Colonization*, p. 81, takes a contrary view. See generally, Roscher, *The Spanish Colonial System*, Translation by Bourne (1904).

Spain at that time was neither rich, prosperous, nor overpopulated. Her long struggle with the Moors had cultivated the military spirit and induced a contempt for labor and agricultural life which was reflected in all her laws and colonial administration. Church and state, engaged in a common struggle for life with the infidel, had been welded into a unit. Enthusiasm for extending the Empire of the Cross glowed with an intensity elsewhere unknown. To Spain, whose monarchs had financed Columbus, fell the lion's share of the new Western world and she entered upon its exploration and exploitation with great energy. The kingdoms were full of needy nobles and soldiers recently released from the wars and eager for adventure. They were sent by shiploads to Mexico and South America to search for gold and silver and the loot of conquered native states, something which could be carried back to Spain to be enjoyed and to enrich the royal treasury. Spain established few colonies in the temperate zone. In America and in the Philippines she conquered countries already inhabited by natives who had reached some degree of civilization. Her conquests were easy, and thereafter she ruled a native population, for the benefit of Spain. No effort was made to populate the new colonies with Spaniards. Her possessions were dependencies and not colonies as the term is ordinarily understood by English-speaking people.

X The ancient civilizations of Mexico and Peru were swept away; the natives were killed in battle or reduced to slavery and forced to toil for their masters. The governments were administered entirely by Peninsula-born Spaniards. Viceroys in Mexico and Lima represented the person and the authority of the king and governed under the discretion of the Council of India after it was established in 1514.<sup>18</sup>

The rights of the native people were ignored by the civil officials. Good and benevolent laws enacted for their protection were ordinarily disregarded.<sup>19</sup> The work of developing the ag-

<sup>18</sup> This was the first attempt to exercise control over colonies by means of a separate public department in the home country.

<sup>19</sup> See Lea, "The Indian Policy of Spain," *Yale Review*, August 1899;

ricultural resources of the new country was considered as beneath the dignity of the adventurous soldiers and needy and rapacious nobles who constituted the bulk of the Spanish residents. At one time forty-five marquises and counts with their families resided in Lima. Rare material indeed for colonists!

The church was all-powerful. With earthly ambitions went the spirit of proselytism. The passion of the adventurers for gold was no stronger than that of the monks and priests for the saving of souls. Notwithstanding the glow of religious enthusiasm in which it was enveloped, Spanish colonization was controlled by a spirit as sordid as that of the ancient Phœnicians and the Venetians of the Middle Ages. Spain adopted their system of trade monopoly and passed it on to the Dutch, French and English. To the end of her career as a colonial power she retained all the worse principles of the original system. Nevertheless there was something vital in her system. The native races under her rule never entirely disappeared as they did in the French and English colonies in the West Indies, to be supplanted by negro slaves brought from Africa. While often cruel and oppressive she managed in some degree to assimilate the natives and to impress upon them her religion and civilization, as no other country has been able to do. In the course of time all her colonies revolted, but to-day the people of the Philippine Archipelago and of most of the great Western continent south of the United States are the children of Spanish civilization.<sup>20</sup>

While Spain was establishing dependencies in the west the Portuguese were scattering their outposts of trade about the Mediterranean and along the route of the East. Considering the insignificance of Portugal in Europe, the part she played in early expansion and trade is little less than marvelous. Her enter-

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Bourne, *Spain in America*, Chap. 18; Cheyney, *European Background of American History*, Chaps. 5, 6.

<sup>20</sup> Leroy-Beaulieu. *De la colonisation chez Peuples Modernes*, I, Chap. 1. "From the beginning the Spanish establishments in the Philippines were missions and not in the proper sense of the term a colony. They were founded and administered in the interests of religion rather than of commerce and industry." Blair and Robertson, *The Philippine Islands*, I, Introduction. Hereafter this work will be cited as B. & R.

prises, however, were almost purely commercial. She established factories and trading posts but founded few states or permanent colonies,<sup>21</sup> and in the course of time her conquests in the East fell to the Dutch and the English.

For many years the Dutch were satisfied to secure Eastern products at the port of Lisbon, where they were granted special commercial privileges, and distribute them throughout Europe. It was a profitable trade. The Portuguese handled the situation very skilfully. They not only withdrew entirely from the European coastwise trade, but even forbade the exportation of India goods from Portugal in Portuguese ships. By leaving this trade to the Dutch they hoped to satisfy them and prevent them from interfering with their monopolies in the Far East. A great mystery was made of the voyages. The difficulties and dangers of navigation were greatly exaggerated. The sailing routes were kept secret. All information with reference to the Indies which was disseminated was designed to play upon the credulity of the age.

Although the Dutch had been feeling their way into the Eastern trade, they would probably for many years have remained satisfied with the profitable rôle of intermediaries had not the acquisition of Portugal by Spain threatened the destruction of the Lisbon trade.<sup>22</sup> In 1595 Philip II seized two-fifths of the entire Dutch merchant fleet in Spanish and Portuguese harbors.

Houtman's voyage by way of the Cape, to Java, led to the organization of various companies to trade with the East. In 1602 these companies were consolidated into the East India Company which for two centuries thereafter controlled Dutch commerce and colonization. The powers conferred on this famous company gave it not only a monopoly of trade but made it practically sovereign in the territory. It was authorized to

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<sup>21</sup> Brazil is all that is left. It has been said that during two centuries of colonization the Portuguese taught the natives nothing more important than how to distil a poor quality of rum by the use of an old gun barrel.

For an account of the pioneer work of the Portuguese, see Cheyney, *European Background of American History*, Chap. 4; *Cambridge Modern History*, I, Chap. 1.

<sup>22</sup> Cunningham, *Western Civilization*, II, pp. 183 *et seq.*

make treaties with native rulers in the name of the States General, to build forts, appoint military governors and judges, and to take any and all measures necessary for the establishment and maintenance of government. The directors were given full authority to do anything they chose except establish a government independent of the Netherlands. Designed to act as a substitute for the state it soon, by the simple process of absorbing the statesmen, assumed the powers and functions of the state. Another company known as the West India Company, organized in 1621, operated in Brazil and elsewhere. For many generations these two companies controlled Dutch commercial and colonial enterprises.<sup>23</sup>

The Dutch East India Company was organized for trading purposes solely, but political control was soon found necessary for the protection of the trade. From the creation of this company until the middle of the nineteenth century Dutch colonization pursued one definite object. It had no theoretical or humanitarian aims. It was not in the least interested in the heathen or in posterity. It was after dividends and for general unscrupulousness and cupidity it stands unrivaled in the history of commerce and government. It finally came to an inglorious end and its rights, property and obligations were assumed by the government. The judgment of history upon this famous monopoly is stated by the Dutch publicist, DeLouter:<sup>24</sup>

“To the day of its downfall the Company remained faithful to its origin. It was a company of brisk and energetic tradesmen, who, with profit as their lode-star, and greed as their compass, obtained, through the chance of events, absolute control of one of the most beautiful and fertile regions of the earth and unhesitatingly sacrificed it to their low ideals.”

With the exception of the invigorating five years of English

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<sup>23</sup> Many of these commercial companies were organized about the beginning of the seventeenth century. England, Holland, France, Sweden, Denmark and other countries had their *East India* companies. See Cheyney's *European Background of American History*, Chap. 7.

<sup>24</sup> Quoted with approval in Ireland's *The Far Eastern Tropics*, p. 173.

control under Sir Stamford Raffles,<sup>25</sup> Holland has ruled Java for more than three hundred years, but she can teach modern colonizing states only the things to be avoided. She made the beautiful island of Java a fruitful plantation and worked it by natives who were as truly slaves as were the negroes of Jamaica. An early effort to settle the country with white men failed miserably through the narrow and monopolistic policy of the company, and thereafter, until within very recent times, the country was exploited for the financial benefit of the Netherlands government and Dutch traders in utter disregard of the rights of the Javanese. The East India Company took vast sums of money out of the country, but almost from the beginning of its history the great trading concern was a fraud and a swindle. It paid huge dividends, which were often little more than bribes, out of its capital, or with borrowed money, and in the end it fell into discreditable bankruptcy. The Netherlands government for many years after it took charge made no real change of policy. The colony continued to exist for the benefit of the Netherlands. It must be made to pay, and to pay in money. The government was merely a trader dealing in the products of the island. It forced the natives to raise the quantity of coffee and sugar required and fixed the price at which such products must be sold to it. The natives were not permitted to share in the prosperity, such as it was.

The Dutch found an old and well developed civilization in Java. The native governments were harsh and tyrannical but well adapted for the trade purposes of the newcomers. Instead of attempting to organize a new system which would protect the natives from the rapacity of their rulers, the Dutch retained the ancient system and adapted it to their own purposes. They dealt only with the local rulers who in time were made Dutch officials and charged with the duty of collecting the designated products from the natives under their local jurisdiction. No attempt was made to train or educate the people, and no responsibility for

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<sup>25</sup> For an account of the remarkable work of this young Englishman, see Boulger, *The Life of Sir Stamford Raffles* (London, 1899).

their well being was assumed by the government. This system without substantial change was continued until the humanitarian spirit of the present age forced the abandonment of the old iniquitous methods.

The so-called "culture" system which for a time brought so much credit to the Dutch now appears to have been the greatest instrument of injustice ever devised by a civilized power. Until recently it was pointed to as the conclusive evidence of Dutch capacity for governing a tropical colony. When in 1830 Van den Bosch became governor-general, the finances of the colony were in a desperate condition. The India government owed more than thirty million gulden and was becoming more deeply involved with each passing year. Under the system which he devised the natives, instead of paying the government a certain proportion of their crops, were required to place at its disposal one-fifth of their land and of their labor time. The government was thus enabled to determine the products which should be grown under its direction. Theoretically the natives were required to contribute this one-fifth of their time in lieu of the two-fifths of the crops demanded under the old system. The loss from failure of crops, when not due to the fault of the cultivators, was in theory to fall upon the government. The labor would be directed to the cultivation of the products which had the greatest value in the markets of the world.<sup>26</sup> The system was heralded as the solution of all the difficulties of colonization. Van den Bosch, who had been a leader in charitable enterprises in Holland, introduced it to the world as a measure of philanthropy designed to elevate and educate the natives. He constantly urged the necessity for protecting the natives.

"So long," he wrote in 1834, "as we do not regard and treat the Javanese as our children, and do not honestly fulfil to them all the duties which rest upon us as their leaders and protectors, our arrangements will constantly be subject to shocks, and the aim

<sup>26</sup> Day, *The Dutch in Java*, p. 249.

that we propose will not be attained but will lead constantly to disappointments."<sup>27</sup>

The sincerity of such statements may be doubted.

"Only one strong motive," says Day,<sup>28</sup> "underlay the foundation and the maintenance of the culture system, the desire to obtain revenue for the Dutch treasury. Pious hopes of benefiting the natives which may have been at first sincere could be only hypocritical after a few years' experience with the workings of the system, and at any rate never interfered materially with its development."

The author of a recent comprehensive work on Java says:<sup>29</sup>

"In 1833 the colony was in debt and the coffers of Holland were absolutely empty at the end of the war of secession with Belgium. General Count Van den Bosch presented himself with an offer to relieve the budget and fill the coffers. He was given a free hand, and installed in the East Indies the system of forced cultures, which at one moment was the glory of his name, and afterward became his disgrace. . . . It has deprived Java of enormous sums of money and of precious lives. By condemning the population for more than fourteen years to hard labor, which was also for them unjust and fruitless labor, it led to their intellectual retrogression; it was therefore from the ethical standpoint absolutely unpardonable. Yet we can not forget that by this realistic sacrifice of a whole generation it transformed the island into one of the richest and most fruitful of agricultural countries. . . . Once more the truth of the famous adage is exemplified, 'Woe to them that make revolutions; happy are they who inherit after them.'"

The culture system was in full force from 1830 to 1850, and during that time Java was made to pay two hundred million dollars into the Netherlands treasury.

<sup>27</sup> *Ibid.*, p. 255.

<sup>28</sup> Day, *The Dutch in Java*, p. 257.

<sup>29</sup> A. Cabaton, *Java and the Dutch East Indies* (London, 1911), pp. 207, 210. The attempt of the Spaniards to apply the system of forced culture in the Philippines resulted unfortunately for the country. Day, *The Dutch in Java*, p. 637.



Speaking of the system Professor Keller says:<sup>30</sup>

"It looks philanthropic, but was in reality mercenary; in its application all the features which interfered with revenue speedily dropped away. For example, the fifth of the people's working time which was put under requisition lengthened out indefinitely, and they often bore the land tax besides, from which the system was supposed to free them. Moreover the government evaded shouldering the losses, both by a specious use of the proviso attached and otherwise; and paid the natives, if at all, in the scantiest and stingiest manner. The system was unworkable in any way profitable *to all parties*."

Gradually information as to the treatment of the Javanese found its way to Europe, and the publication of a popular novel dealing with the abuses of the culture system, prepared the public mind for the legislation which followed the introduction of constitutional government after the revolution of 1848.<sup>31</sup>

The enforcement of the provisions of the Colonial Constitution of 1854 for the protection of the natives meant the end of the culture system. In 1870 it was formally superseded by the system of "free labor" which, as usual, soon degenerated into credit bondage. In 1903 the States General enacted a law under which all the income of the Indian government was required to be expended in the islands, and from that time until the present Holland has governed her dependencies under a system which is worthy of the modern age.<sup>32</sup>

<sup>30</sup> Keller, *Colonization*, p. 475.

<sup>31</sup> This story, entitled *Max Havelaar, or The Coffee Auctions of the Dutch Trading Company*, was published in 1860, and its influence upon the culture system may be compared to that of *Uncle Tom's Cabin* upon the slavery question.

The repute which the culture system formerly enjoyed in England and America was due largely to a book by Mr. J. W. B. Money entitled, *Java, or How to Manage a Colony* (London, 1861). Doctor Day (p. 254), calls attention to the influence this book had on the opinion of such writers as Ireland (*Tropical Colonization*) and Wallace (*Malay Archipelago*) and says, "No one at all conversant with the actual conditions in Java, as they are known to us on unimpeachable evidence, can retain the slightest respect for Money's authority after reading his book." *Ibid.*, p. 253.

<sup>32</sup> See Cabaton, *Java and the Dutch East Indies*, p. 152.

Until recently the Dutch denied the Indians Western education. Considerable attention is now being devoted to the education of the natives. Generally separate schools are maintained for the natives and white children, but in

For almost two centuries France contended for territory and colonies on equal terms with England. The opening days of the nineteenth century found her in possession of only a few scattered islands. Her old colonial empire was never real; it was all appearance. She had few real colonists. Her people were facile and could accommodate themselves to all conditions. They were sympathetic with natives but they rarely took root in the land. France furnished audacious and intrepid adventurers but few colonists. Leroy-Beaulieu attributes her failure to defects in the national character as well as in her political system. Her people were too ready to assimilate with the natives.<sup>33</sup> Her trading companies induced monopoly and trade restrictions. In the East, Dupleix, Labourdonnais, and other brilliant leaders sought glory instead of commercial advantages. The extravagant spirit of adventure and desire for immediate results on a large scale led to a scattering of energy. Empires are neither built nor consolidated by *voyageurs* or gentleman adventurers. The stolid Englishman or the phlegmatic Dutchman stays.

In the beginning England was distanced by Spain, Portugal and Holland. Each of these countries had secured the control of vast territories while England possessed not a foot of land beyond the British Isles. It requires an effort to realize that in those days England was in fact a very small and rather insignificant country. Not until the time of Elizabeth did Englishmen wake to the fact that empires were to be won beyond the narrow seas which swept her shores. Then came those wonderful years during which Drake and his like won for England the control of the seas,<sup>34</sup> when—

Ternati in 1911 I saw Dutch and Javanese children sitting on the same benches in schools where the text-books and the instruction were in the Dutch language.

<sup>33</sup> Leroy-Beaulieu. *De la colonisation chez les Peuples Modernes* (Sixième édition), Chap. 5.

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Newbolt's stirring ballad makes the old hero say:

"Take my drum to England, hang it by the shore,  
Strike it when your powder's runnin' low,  
If the Dons sight Devon,—I'll quit the port of Heaven,  
And drum them up the Channel, as we drummed them long ago."

Speaking of the system Professor Keller says:<sup>30</sup>

"It looks philanthropic, but was in reality mercenary; in its application all the features which interfered with revenue speedily dropped away. For example, the fifth of the people's working time which was put under requisition lengthened out indefinitely, and they often bore the land tax besides, from which the system was supposed to free them. Moreover the government evaded shouldering the losses, both by a specious use of the proviso attached and otherwise; and paid the natives, if at all, in the scantiest and stingiest manner. The system was unworkable in any way profitable *to all parties*."

Gradually information as to the treatment of the Javanese found its way to Europe, and the publication of a popular novel dealing with the abuses of the culture system, prepared the public mind for the legislation which followed the introduction of constitutional government after the revolution of 1848.<sup>31</sup>

The enforcement of the provisions of the Colonial Constitution of 1854 for the protection of the natives meant the end of the culture system. In 1870 it was formally superseded by the system of "free labor" which, as usual, soon degenerated into credit bondage. In 1903 the States General enacted a law under which all the income of the Indian government was required to be expended in the islands, and from that time until the present Holland has governed her dependencies under a system which is worthy of the modern age.<sup>32</sup>

<sup>30</sup> Keller, *Colonization*, p. 475.

<sup>31</sup> This story, entitled *Max Havelaar, or The Coffee Auctions of the Dutch Trading Company*, was published in 1860, and its influence upon the culture system may be compared to that of *Uncle Tom's Cabin* upon the slavery question.

The repute which the culture system formerly enjoyed in England and America was due largely to a book by Mr. J. W. B. Money entitled, *Java, or How to Manage a Colony* (London, 1861). Doctor Day (p. 254), calls attention to the influence this book had on the opinion of such writers as Ireland (*Tropical Colonization*) and Wallace (*Malay Archipelago*) and says, "No one at all conversant with the actual conditions in Java, as they are known to us on unimpeachable evidence, can retain the slightest respect for Money's authority after reading his book." *Ibid.*, p. 253.

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"They dined with Death. Their big sea boots  
 Were greased with blood. They swept the seas  
 For England; and—we reap the fruits  
 Of their heroic deviltries."

Her first colonies were planted in temperate climes where Englishmen could live and establish permanent homes. They were settlement colonies. By the middle of the seventeenth century they had passed the experimental stages and become permanencies. The enactment in 1651 of the first of the Navigation Laws<sup>35</sup> opened a century of trade expansion<sup>36</sup> during which it was held that the colonies existed solely for the benefit of the so-called mother country—a period dominated by "that baleful spirit of commerce that wished to govern great nations on the maxims of the counter." It was the same theory which controlled the Dutch in the management of their colonies down almost to the present time. In a paper written in 1726 by Sir W. Keith<sup>37</sup> it was said, "All advantageous projects or commercial gain in any colony which are truly prejudicial to and inconsistent with the interests of the mother country, must be understood to be illegal, and the practise of them unwarrantable, *because they contradict the end for which the colonies had a being.*"

This system led to the loss of the American colonies. It "involved the theory," says Egerton,<sup>38</sup> "that the colony was to be always the producer of the raw material which the industries of the mother country should work up. By implication it denied the equality of colonial Englishmen with Englishmen at home and by this means poisoned the wells of common patriotism."

But India was under the control of the East India Company, and there Clive and Hastings had laid the foundations of the Empire. During the Napoleonic wars England, to some extent,

<sup>35</sup> The navigation laws were not passed in any spirit of hostility to the colonies. They were directed at the naval supremacy of Holland and their effect on the colonies was incidental. Egerton, *History of British Colonial Policy*, p. 62.

<sup>36</sup> For the mercantile system, see Egerton, *Origin and Growth of English Colonies*, Chap. 6; Day, *History of Commerce*, pp. 167–172.

<sup>37</sup> Cited by Egerton, *History of British Colonial Policy*, p. 72.

<sup>38</sup> *Origin and Growth of English Colonies*, p. 118.

made good her losses in America by the capture of French and Dutch colonies.

In the readjustment which after 1815 took place England returned much of the most valuable territory which she had conquered, including the great island of Java, retaining only Tobago and San Lucia in the Antilles and Mauritius in the East. The settlement of Australasia was then commenced and pushed with considerable vigor.

The growing humanitarian spirit of the age led to the abolition of the slave trade and finally to the emancipation of the slaves in the colonies. During the years of exhaustion and stagnation which followed the war many economic and social evils developed and the disposition of the unemployed became a serious question. In 1826 a committee of the House of Commons recommended that the local authorities provide means for assisting unemployed laborers to emigrate and locate on the Crown lands, and in 1830 the famous Colonization Society was founded for the purpose of directing and systematizing the work.<sup>39</sup>

Then, for the first time in English history, a systematic plan for colonization was worked out and applied, and during the succeeding thirty years so much progress was made in developing the settlement colonies that they began to resent the interference which the system involved and to aspire to self-government.

English colonial history has passed through three clearly defined periods. During the first the colonies were regarded as political and commercial necessities. Every unoccupied island was appropriated and promptly organized into a colony. The policy was satirized by Disraeli in his novel *Popanilla*. According to the story a tiny speck upon the sea originally thought to be a porpoise proved, upon closer investigation, to be a rock and it was immediately provided with all the paraphernalia of a civ-

<sup>39</sup> The credit for this policy belongs to Gibbon Wakefield and Lord Howick, afterward Lord Grey. Its central idea was the sale of the Crown lands and the use of the money thus obtained to assist the emigrants. Eger-ton, *History of British Colonial Policy*, p. 281 *et seq.*; Wakefield, *View of the Art of Colonization* (1849); New Edition (1914); Parl. Com., Parl. Pap. 1836.

ilized government. "Upon what system," asked Popanilla, "does your government surround a small rock in the middle of the sea with fortifications and cram it full of clerks, soldiers, lawyers and priests?" "Well, your Excellency," was the reply, "I believe it is called the Colonial System."

During the second period, which came in with the Victorian era, there was a disposition to regard all colonies as politically mischievous and commercially useless. England's attitude during that time resembled that of the mother of a numerous family of maturing daughters, all dear to her heart but horribly expensive. To them she was inclined to say:

"Keep to yourselves,  
So loyal is too costly, friends, your love  
Is but a burden; loose the bond and go."

In plain prose, set up your own establishment as soon as possible and relieve me from the burden of your support.

The Whig statesmen were inclined to accept Turgot's theory of the inevitable falling of ripe fruit. Many of them assumed that the tropical colonies particularly were a positive detriment to England and that the sooner the settlement colonies such as Canada and Australia were able to establish themselves as independent states, the better it would be for all concerned. Therefore, "all that could be done was to insure that the euthanasia of the empire should be as mild and as dignified as possible." "We must," says Sir Charles Bruce,<sup>40</sup> "bear in mind that for decades our colonial policy had for its aim to supply the colonies with a constitutional apparatus, to educate them in political methods, and to provide them with an equipment of political leaders and departmental officials with a view to their ultimate separation as independent states."<sup>41</sup>

It would be easy to fill many pages with quotations from the speeches and letters of leading Englishmen which tend to con-

<sup>40</sup> *The Broad Stone of Empire*, I, p. 170.

<sup>41</sup> This, of course, applied to Englishmen in the settlement colonies, not to the backward native people. We, in the Philippines, include the natives.

firm this statement.<sup>42</sup> The Liberalism of the period was willing to concede a very large measure of self-government to the settlement colonies and experience seemed to show that self-government meant ultimate independence.

Lord John Russell in introducing his bill to provide autonomous governments for the Australian colonies declared that its object was "to train the colonies into a capacity to govern themselves." In his speech to the House of Commons<sup>43</sup> on February 8, 1858, he said: "It is important that you should know on what it is that you will have to deliberate; if your public spirit should induce you to preserve your colonies; or if your wisdom should induce you to amend your policy, or finally, if an unhappy judgment should induce you to abandon your colonies, it is essential to know what you would preserve, or amend, or abandon."

In 1861 Sir George Cornewall Lewis, who twenty years earlier had published his well-known book on the government of dependencies, said in Parliament: "I for one can only say that I look forward without apprehension, and I may add, without regret, to the time when Canada might become an independent state." John Stuart Mill wrote: "England is sufficient to her own protection without the colonies and would be in a much

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<sup>42</sup> The historian Froude, writing in *Fraser's Magazine* for January, 1870, said: "It is even argued that our colonies are a burden to us and that the sooner they are cut adrift from us the better. They are, or have been, demonstrably loyal. They are proud of their origin, conscious of the value to themselves of being a part of the Empire and willing and eager to find a home for every industrious family that we can spare. . . . Whether the colonies themselves remain under our flag or proclaim their independence, or attach themselves to some other power, is a matter which concerns themselves, and to us of profound indifference." See also Froude's article in *Fraser's* for August, 1870; "How Not to Retain Colonies," by Lord Chancellor Norton, *Nineteenth Century*, July, 1879; Robinson, *The Colonies and the Century*, Appendix (1871). As to the methods of the Colonial Office, see Leslie Stephen's *Life of F. J. Stephen*, p. 443; Bruce's *The Broad Stone of Empire*, I, Chaps. VI, VII.

<sup>43</sup> Spencer Walpole, *Life of Lord John Russell*, II, p. 103. *Vide* Stanhope's *History of England*, VI, p. 143. On February 7, 1850, John Bright made the following entry in his diary: "Colonial policy explained by Lord John Russell in a long speech. Very important. Colonies at the Cape and in Australia to have legislative chambers and to have liberal self-government. Great agreement in the House on the subject. Marvelous absence of prejudice when the objects are ten thousand miles away. *Should like to move that the Bill be extended to Great Britain and Ireland.*" Trevelyan, *Life of John Bright*, p. 176.



stronger as well as more dignified position if separated from them than when reduced to be a single member of an American, African or Australian Confederation. Over and above the commerce which she might equally enjoy after separation, England derives little advantage, except in prestige, from her dependencies, and the little she does derive is quite outweighed by the expense they cost her and the dissemination they necessitate of her naval and military forces, which, in case of war, or any real apprehension of it, requires to be double or treble what would be needed for the defense of the country alone."<sup>44</sup>

Lord Morley<sup>45</sup> says that in his views of colonial policy Mr. Gladstone "was in substantial accord with the radicals of the school of Cobden, Hume and Molesworth. He does not seem to have joined a reforming association founded by these eminent men among others in 1850, but its principles coincided with his own—local independence, an end of rule from Downing Street, the relief of the mother country from the whole expense of the local government of the colonies, save for defense from aggression from a foreign power."

In a speech at Chester in 1855 Gladstone said: "Govern them upon a principle of freedom. Defend them against aggression from without. Regulate their foreign relations. These things belong to the colonial connection. But of the duration of that connection let them be the judges, and I predict that if you leave them the freedom of judgment it is hard to say when the day will come when they will wish to separate from the great name of England."<sup>46</sup>

Statesmen were greatly impressed by the dangers of war originating in connection with colonial questions. It was generally believed that the United States had designs on Canada and that the Trent affair in 1861 was a deliberate attempt to involve the

<sup>44</sup> To the contrary, the Great War has shown that England's reserve strength is in her great colonies.

<sup>45</sup> Morley, *Life of Gladstone*, I, p. 361. "He had from his earliest parliamentary days regarded our colonial connection as one of duty rather than one of advantage." *Ibid.*, p. 359.

<sup>46</sup> *Ibid.*, p. 363.

country in war. About this time the Duke of Newcastle, the colonial secretary, wrote that "he should see a dissolution of the bond between the mother country and Canada with the greatest pleasure." Sir Henry Taylor, who for many years was an official in the Colonial Office, in an official Minute addressed to the duke, said:<sup>47</sup> "As to the American provinces, I have long held, and have often expressed the opinion that they are a sort of *damnosa hereditas*, and when your Grace and the Prince of Wales were employing yourselves so successfully in conciliating the colonists, I thought that you were drawing closer ties which might better be slackened if there were any chance of their slipping away altogether. I think that a policy which has regard to a not very far-off future should prepare facilities and propensities for separation; . . . I should desire to throw the current military expenditure upon the colonists, as tending, *by connecting self-protection with self-government*, to detach the colonies and promote their independence and segregation at an earlier day, and thereby to withdraw this country in time from great contingent dangers. If there be any motives which should plead for a prolonged connection, it appears to me that they are of a cosmopolitan and philanthropic nature, and not such as grow out of the interests of this country, though there may be no doubt some minor English interests which are the better for the connection. There are national obligations also to be regarded, and some self-sacrifice is required of this country for a time. All that I would advocate is a preparatory policy, loosening obligations, and treating the repudiation by the colonists of legislative and executive dependence as naturally carrying with it some modification of the absolute right to be protected. As to *prestige*, I think it belongs to real power, and not to a merely apparent dominion by which real power is impaired."

In fact nearly every responsible statesman of the period at some time used language which, standing alone, would mark him as an advocate of what is now known as an anti-imperialistic policy,

<sup>47</sup> See Bruce, *The Broad Stone of Empire*, I, pp. 109-111.

but as Sir Charles Bruce says:<sup>48</sup> "There was not one of these statemen of the first rank, including Cobden, who did not, either by immediate reservation or subsequent profession, at some time or other express himself in terms consistent with what we should at the present day consider sound imperial judgment. The truth is that there was a good deal of justification at the time for the policy now condemned, and for the utterances it is the present fashion to treat with contemptuous ridicule."

Of course the men who advocated the policy of training the colonies for independence were thinking only of the settlement colonies inhabited by Englishmen, not of India and the Crown colonies.

It is a remarkable fact that the idea of abandoning the colonies was strongest among the aristocratic Whig statesmen who then governed England and that it never seems to have been popular with the general public. The transition from the *laissez faire* policy to that which created Greater Britain was coincident with the rise of democracy in England. By that time the colonies had become great democratic communities and their forms of government and ideals appealed more to the English working men and the middle class generally than to their aristocratic rulers.

There were also economic and political reasons for a change of policy. Great military powers were being built up on the continent. England's free trade policy had not brought the expected millennium. Other countries were erecting tariff walls against her. France, Italy and Germany were adopting an aggressive colonial policy. The pressure from without thus tended to bring England and her colonies into closer relationship. About this time Sir John Seeley in his brilliant book, *The Expansion of England*, developed the attractive idea that the colonies were merely England beyond the seas.<sup>49</sup> The American Captain Mahan's early writings on the influence of sea power also made a

<sup>48</sup> *The Broad Stone of Empire*, I, p. 94.

<sup>49</sup> "Probably no single book has ever exerted a more powerful influence in the direction of the appreciation of English colonial enterprise than Professor Seeley's *Expansion of England*." Ireland, *Tropical Colonization*, p. 24.

## THEORY AND PRACTISE OF COLONIZATION

great impression upon Englishmen. The feeling of loyalty on the part of the colonies toward the mother country which, during the preceding generation, had been almost non-existent, was suddenly revived. The new movement was represented by the Conservative party under the leadership of Disraeli. Speaking at Crystal Palace in 1872, Disraeli said: "Well, what has been the result of this attempt during the reign of Liberalism for the disintegration of the Empire? It has entirely failed. But how has it failed? Through the sympathy of the Colonies with the Mother Country. They have decided that the Empire shall not be destroyed; and in my opinion no Minister in this country will do his duty who neglects any opportunity of reconstructing as much as possible our colonial empire and of responding to those distant sympathies which may become a source of incalculable strength and happiness to this land."

The creed of the new policy was to be "the maintenance of our institutions, the preservation of the Empire, and the improvement of the condition of the people."<sup>50</sup>

Slowly the attitude of England toward her colonies changed. Under the threat of a common danger the parts of the far-flung empire were wedded together. Conflicting interests were adjusted, and the Great War of 1914 found Greater Britain fighting as a unit for the empire and that for which it stands.

When in 1898 the United States acquired the Philippines the world had entered upon a new era in the history of colonization. Colonies in the ordinary English sense of the word had almost ceased to exist—they had all become independent states or dominions. The dependencies were all in the tropics. Colonization, with its medley of objectives, desires, ambitions—noble, ignoble, personal, disinterested, material, spiritual—after

<sup>50</sup> Bruce, *The Broad Stone of Empire*, I, p. 166. Disraeli, while in opposition, often spoke slightly of the colonies, but his statements were generally directed at the policy of his political opponents. In Lord Malmesbury's *Memoirs of an Ex-Minister*, II, p. 57, there is a letter of August 13, 1852, in which Disraeli, writing about the Newfoundland fisheries, said: "These wretched colonies will all be independent, too, in a few years and are a millstone around our necks. If I were you I would *push matters* with Fillmore, who has no interest to pander to the populace like Webster, and make an honorable and speedy settlement."

passing through various epochs had been reduced very largely to the problem of developing the tropics and governing dependent people.

Only the people of temperate countries are colonizers, and the land within the temperate zones had all been occupied. It was generally recognized that the time for establishing settlement colonies had passed, although some enthusiasts still hoped to plant white men upon the table-lands of Africa. The future of colonization was therefore in tropic lands already inhabited by savages or by people of a comparatively low order of civilization. The demand for tropical products had increased enormously. In 1898, the year of Manila, the combined trade of Great Britain and the United States with the tropics was about forty-four per cent. of their combined trade with all the rest of the world.<sup>51</sup> What had been luxuries had become necessities. It was evident that the rivalry of the future would be for the trade of the tropics and the control of the channels along which it would flow. The people whose capacity and energy had made the modern world were not willing that vast areas of productive lands should longer lie fallow. The world demanded their products, and the feeling prevailed that the natives must, under pressure if necessary, be forced to join the onward march of the world and do their part of its work. It was evident that this would be done only on the initiative and under the direction of men from temperate climates.

Political and social conditions in Europe also impelled the Continental states toward a policy of territorial expansion and schemes of colonization. The pressure of population had been partially relieved by the emigration to America. Social dissatisfaction prevailed generally and the ambition of the working classes for better things was probably stronger than ever before in the history of the world. The protective policy of the United States and the British dominions had narrowed the markets for manufactured articles. It was felt that the loss

<sup>51</sup> It amounted to £208,000,000—more than a billion dollars. For further details, see Kidd, *The Control of the Tropics*, p. 6 *et seq.*

of so many of the people who were emigrating to foreign countries was a disgrace to their native lands.

With German and Italian unity came the ambition which seems only satisfied by the possession of colonies. France had acquired control of Algiers and was engaged in a system of colonization and development under conditions resembling in many respects those now existing in the Philippines. She was also in possession of Tonkin in the Orient and was slowly regaining some of her lost prestige as a colonizing power. Germany, a late entry in the race, found practically all desirable territory in tropic climes occupied. As epigrammatically stated by Bismarck at that time, England had colonies and colonists, Germany had colonists but no colonies, France had colonies but no colonists. Nearly all the states of Europe were contemplating colonial schemes in Africa and were represented at the Berlin Conference in 1884.

French statesmen had accepted the theory that without colonies France would cease to be a great power. The distinguished publicist, Monsieur Paul Leroy-Beaulieu, urged upon Frenchmen the necessity for developing their colonies. "From now on," he wrote, "our colonial expansion must occupy first place in our national consciousness. . . . We must found a great French empire in Africa and in Asia; else of the great rôle which France has played in the past there will remain nothing but the memory, and that dying out as the days pass. . . . Colonization is for France a question of life or death. Either France must found a great African Empire, or in a century she will be but a secondary European power; she will count in the world scarcely more than Greece or Roumania counts in Europe."

Then followed the scramble which resulted in the carving up of Africa and the apportionment of a share to each claimant. From that time until the beginning of the war in 1914 the European nations pushed the work of colonization in the Dark Continent with energy and a fair but unequal degree of success. The objects and methods of each colonizing state were clearly understood and for my present purposes it is not material whether

Great Britain, Germany, France or Belgium shall in the future control any particular territory. The colonial policy of each nation has been clearly defined long before the eventful third day of August, 1914.

France has created a new colonial empire.<sup>52</sup> She controls forty-five per cent. of the land and twenty-four per cent. of the population of Africa. Her policy has been pacific and reasonably effective. She has built public works, improved the means of communication, introduced modern agricultural methods, mutual benefit societies, and many other institutions designed to improve the material condition of the native people. "In all these matters," says Lord Cromer,<sup>53</sup> "the French have certainly nothing to learn from us. Possibly, indeed, we may have something to learn from them."

In fact, French colonial policy more nearly resembles that of America than of England, Germany or Italy, as it attaches more importance to education and seems more sympathetic toward native aspirations. But too much must not be claimed for it in this respect. Apparently none of her subjects is at present aspiring to separate nationality, and the problem therefore differs from that of England or the United States. All they demand is equal rights and privileges with white colonists, and this France has denied, but seems now preparing to concede to them. In Algiers important political reforms are in contemplation, which will grant the natives greater numerical strength in the *Conseil Supérieur*, the *Délégations Financières*, and in the local provincial and municipal bodies.<sup>54</sup> France seems to be mak-

<sup>52</sup> Certain English writers depreciate French colonial work because it has not been financially profitable. See *France in the Twentieth Century*, by W. L. George. But more competent critics commend her work in Algiers. Lord Cromer, *Pol. and Lit. Essays*, p. 256 (1913). As to French equatorial Africa, see an article by A. G. Leonard, *United Empire*, V. (N. S.) No. 3, p. 237 (1914).

See generally, "French Colonization in North Africa," by T. R. Balch, *American Pol. Sci. Rev.*, Nov., 1909; "French Colonial Expansion in West Africa, the Soudan and the Sahara," by N. D. Harris, *Ibid.*, Nov., 1911.

<sup>53</sup> *Pol. and Lit. Essays*, p. 256.

<sup>54</sup> As to present conditions, see Roy, *Aspects of Algeria* (London, 1913); an article by Philippe Millet, "France and Her Algerian Problem," *The Nine*.

ing a success of her colonial work because she is controlled by liberal ideas, does not exploit the natives and recognizes that "to attempt to govern a country without those, or against those to whom it belongs, is a blunder."<sup>55</sup>

Italy was without experience in such work and it is still uncertain whether her people possess at present the qualities which are essential for it. Colonies it was urged would increase her importance politically, build up her trade, provide a place for her dissatisfied *contadini* and thus stop the draining away of her manhood. But she entered the field hesitatingly. Soon after the opening of the Suez Canal in 1869 she purchased Assab on the coast of the Red Sea. For a time thereafter the agitation for colonies seems to have subsided.<sup>56</sup> In 1882 Italy refused to co-operate with Great Britain in Egypt. The occupation of the Port of Massowah in 1885, in consequence of the massacre of a party of scientists, resulted in one of those outbursts of public feeling to which the people of all races seemed to be subject. "Were not the Romans the first of colonizers? Could the Italians acknowledge themselves degenerate sons of these hardy Venetians, Genoese and Pisans who were medieval lords of trade and of commercial factories?" Between 1885 and 1895 Italy acquired by conquest approximately one hundred thousand square miles of territory along the western shores of the Red Sea and a protectorate over some of the surrounding country. But in

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*teenth Century*, Vol. LXXIII, p. 728 (April, 1913), and a review of Mrs. Roy's book by Lord Cromer in *The Spectator* for May 31, 1913.

M. Millet says: "The new conception . . . implies that France has to grant definite rights to her citizens. The Algerian Moslems are to enjoy fiscal equality, justice and sufficient power to defend their own interests and to take part in the administration of the colony."

<sup>55</sup> Powell (*The Last Frontier*, p. 6) says: "The most casual traveler can not but be impressed by the thoroughness with which France has gone into the schoolmaster business in her African domains. She believes that the best way to civilize native races is by training their minds, and she does not leave so important a work to the missionaries either. . . . In Tunisia alone there are something over 1,500 educational institutions; all down the fever-stricken West Coast, under the palm-thatched roofs of Madagascar and the crackling tin ones of Equatoria, millions of dusky youngsters are being taught by Gallic schoolmasters that *p-a-t-r-i-e* spells 'France'."

<sup>56</sup> Brunialti, *Le colonie degli Italiani* (Torino, 1897), p. 323; cited in Keller, *Colonization*, p. 519.



1896 she met with a disaster which for a time dampened the enthusiasm for a colonial policy. At the battle of Abba Garima an Italian force of twelve thousand men was annihilated by the Abyssinians.

During the succeeding years the Italian possessions were organized under the name of Eritrea. No more territory was to be acquired and Eritrea was to be governed on the most advanced and liberal principles. The Italians intended, so they announced, to avoid Spanish formalism, Dutch egoism, French concentration and the too diverse conditions of English colonization. They intended to give the people simple justice and economic and commercial prosperity. So much for the theory. In reality, says Professor Keller, they "always proceeded toward Abyssinia as toward a people ignorant and barbarous, whom they thought it not only allowable, but easy to deceive."<sup>57</sup>

Nevertheless considerable progress was made toward developing the country. Roads were constructed, artesian wells dug, and lighthouses built, all by native labor. Schools were established in which the boys and girls were taught Italian, Arabic, arithmetic, hygiene and gymnastics. Although the administration was not phenomenally successful, it was creditable to the Italians.<sup>58</sup>

In 1912 the revival of the expansion fever led to the war with Turkey and the annexation of Tripoli, which is now being administered under the name of Libia. The work is as yet in the experimental stage. There is in Italy, as in the United States, a strong party which is violently opposed to expansion,<sup>59</sup> but its supporters assert that the colonial policy has already been justified by results.<sup>60</sup> It is not yet time to pass judgment upon modern Italy as a colonizing power. Her initial efforts were failures, but she seems to have learned something from her misfortunes. Her statesmen and administrators are studying the

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<sup>57</sup> Keller, *Colonization*, pp. 525, 526.

<sup>58</sup> See "Italy in Africa," *The Nation*, LX, p. 179.

<sup>59</sup> "Italian Imperialism," *Fortnightly Review*, February, 1914.

<sup>60</sup> "Italy a Year After the Libian War," by Luigi Villari, *Fortnightly Review*, November, 1913.

problems of colonization in a scientific spirit,<sup>61</sup> and there seems to be no reason why she may not ultimately be successful.

During the thirty years immediately preceding the war, Germany was the most active and aggressive of the colonial powers. Having determined to claim her "place in the sun" she acted with characteristic promptness and precision.<sup>62</sup> Her theory of colonization was definite and understandable. Each colony was to be a little Prussia, and there was to be no nonsense about native rights and privileges.

Soon after the Franco-Prussian War the Germans began to look about for new territory.<sup>63</sup> Bismarck, who was not much of a *Kolonialmensch*, waited patiently until the new empire had been firmly cemented and the foundation of a navy laid and then yielded to the growing demand.<sup>64</sup> In 1884 Germany had no territory beyond the seas. One year later she was in possession of an external empire of more than one million square miles with a population of ten million. Of this all but ninety-six thousand square miles was in Africa. With the exception of the Bismarck Archipelago, the so-called New Philippines, a few small islands such as in the Samoan group, and Kaiou Chau, which was Germany's gateway to China, her colonial possessions at the

<sup>61</sup> For a list of recent Italian books and monographs on colonization, see *United Empire* (N. S.) IV, p. 284.

<sup>62</sup> "German Colonial Policy," an address by Prof. M. Bonn, of Munich, before the Royal Colonial Institute, January 13, 1914, *United Empire*, V. (N. S.), No. 2, pp. 126. This is an authoritative and very valuable statement of the condition of the German colonies and of the national colonial policy just before the beginning of the war. See also "The German Colonies, 1010-11," by L. Hamilton, *United Empire*, III, (N. S.), No. 12; "German Colonial Policy," by the same writer, *United Empire*, IV (N. S.), No. 2 (1913), p. 150; "German Colonies in 1912-13, *United Empire*, V, No. 6, p. 493.

<sup>63</sup> Mr. E. A. Powell (*The Last Frontier*), p. 166 (1912), gives the following graphic description of German methods:

"Germany has deliberately embarked on a systematic campaign of world expansion and exploitation. Finding that she needs a colonial empire in her business, she set out to build one just as she would build a fleet of dreadnaughts or a ship canal. The fact that she has nothing, or next to nothing to start with, does not worry her at all. What she can not obtain by purchase or treaty and what she can not obtain by threats she stands ready to obtain by going to war. Having once made up her mind that the realization of her political, commercial and economic ambition requires her to have colonial dominion, she is not going to permit anything to stand in the way of her getting it."

<sup>64</sup> Lowe, *Prince Bismarck*, p. 172; Keltie, *The Partition of Africa*, p. 170.

beginning of the war in August, 1914, were divided into four groups—Togo, the Cameroons, German East Africa and German Southwest Africa.

The Cameroons and Togo are tropical countries consisting of malarial lowlands with high inland plateaus inhabited by about three and one-half million natives. In 1913 there was a small German population of about sixteen hundred, of which five hundred were merchants.

German East Africa is also a tropical country with an enormous table-land about thirty-five hundred feet above the sea level, where Europeans may live with reasonable comfort. The population consists of seven and one-half million natives and five thousand Europeans.

German Southwest Africa is mainly an elevated table-land divided from the sea by a broad, slowly rising, uninhabited desert and interspersed with mountain ranges. The climate resembles that of the Orange River country and Rhodesia. It has a sparse native population. It is not suitable for close settlement and the Germans divided the country into big farms ranging from six to forty thousand acres each. There are only about eighty-five thousand natives. In 1914 the white population was considerable and was slowly increasing. It is the most European of Germany's colonies. It can fairly be said to be a white man's country, but all manual labor is done by natives. "The real problem of Southwest Africa," said Professor Bonn,<sup>65</sup> "has always been not only how to find the white men to settle the country, but quite as much how to find colored laborers to support them when settled."

This statement suggests a remarkable fact in the recent economic history of Germany. She entered upon her career as a colonial power during a period of commercial depression, and it was assumed that the emigration which marked the preceding period would continue. The Germans were asking themselves, "Are we going on contributing to build up foreign states with

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<sup>65</sup> *German Colonial Policy, supra.*

our best bone and brain? If not, what is the remedy?" The answer was, acquire territory where they can settle and remain Germans. But after the territory was acquired Germans almost ceased to emigrate.<sup>66</sup> The yearly loss of one hundred thirty thousand between 1881 and 1890 fell to twenty-two thousand during the years 1901-10 and to eighteen thousand five hundred in 1913. For several years before the war about seven hundred thousand migratory foreign laborers entered Germany each year to engage in agricultural work. While developing colonies the Germans were developing Germany as well. In 1882 German industry employed six million four hundred thousand men; in 1907, eleven million three hundred thousand men. Nor was Germany overpopulated, having but 310.4 persons to the square mile, as against 618 in England.

Even if the establishment of settlement colonies in Africa was practicable, it had become evident that no German material would be available until industrial depression or social discontent again moved the Germans to leave their Fatherland.

Germany was thus in the possession of a great territory in the tropics which she was developing with money out of the Imperial Treasury by the use of native labor. While a few enthusiasts still hoped to establish settlement colonies, the German government, according to Professor Bonn, had "*shown plainly enough that their idea of colonization is not a policy of settlement, but one of commercial exploitation.*" That is, Germany was still in the plantation era of colonial development. She wanted land where she could grow raw material and develop open markets for her manufactured articles. Her real and only immediate problem was the old one of securing and handling native labor in the tropics. The question, said Professor Bonn, was: "What are we going to do with the natives when we have the power to shape their fate? We want them to be as numerous as possible and as skilful and as intelligent as we can make them. For only

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<sup>66</sup> Many German emigrants preferred to live and do business in British colonies. Powell, *The Last Frontier*, pp. 2, 185.

their numbers and their industry can make our colonial empire *as useful and as necessary as it ought to be to us.*"<sup>67</sup>

Japan also, under the impulse of her ambition to secure the mastery in the East and provide for her surplus population, has been pushing colonial projects with feverish activity. Formosa, as fast as it is pacified by the use of the army, is being developed.<sup>68</sup> The Japanese deal ruthlessly with the natives.<sup>69</sup> They have so far shown no great capacity for handling and developing backward people or even for colonizing their own people.<sup>70</sup>

The question of a native policy which has now become of vital importance to colonizing powers, was almost unknown before the great discoveries of the sixteenth century. In ancient times the colonists seldom settled outside the zone of their accustomed climate. There were no great ethnological differences, no impossible chasms between the colonists and the natives, due to race characteristics. There was nothing to prevent them from mingling freely on a footing of substantial equality. The former found no call to make over the latter, politically or morally. They were not engaged in crusades. Their objects were purely commercial and the conditions were not such as to incite to the cruelties which later became common. The more prosperous the natives the more profitable the commerce. There were no rea-

<sup>67</sup> "In the Cameroons and in Togo, we are ruling native states and native tribes by a bureaucracy somewhat on the lines of the Indian Bureaucracy. In East Africa we are creating a mixed colony, planting fragments of a white society among dense African masses. In Southwest Africa we have created a kind of manorial system with a European lord of the manor and an African serf. Each type has its advantages and each has its drawbacks." Bonn, *United Empire, supra*. Powell (*The Last Frontier*, p. 182) charges the Germans with treating the natives harshly.

<sup>68</sup> The natives of Formosa resemble the mountain people of the northern Philippines, who are now reconciled to American control. The Japanese seem to have made no serious efforts to placate the natives, and the result is constant war.

For a semi-official account of the administration of Formosa see Count Okuma's *Fifty Years of New Japan*, II, Chapter XVIII, (1909).

<sup>69</sup> *L'Imperialisme Japonais, par Henri Labronc* (Paris, 1910).

<sup>70</sup> Belgium was just beginning to recognize the Congo when the Great War opened. At his New Year's reception in 1914 King Albert said: "It is my duty to tell the Chamber that modifications in the charter of the Congo Colony are necessary. . . . A responsible autonomy must be able to assert itself under the direction, control and sovereignty of the motherland." *London Times*, January 2, 1914. See the chapter on "The Transition of the Belgian Congo," in Harris' *Intervention and Colonization of Africa* (1914).

sons for oppressing and exploiting the people among whom the settlements were made. Only that degree of submission was required which was necessary for trading purposes. Diversity of customs and morals were regarded of no consequence. Such changes in the social organizations as took place were the result of imitation and not of intimidation or imposition.<sup>71</sup>

In the newly discovered countries colonization was carried on under different conditions. The natives were of another type from the invaders. The stages of culture were so different as to render sympathetic relations almost impossible. Hence wars of extermination were common and those natives who could not be reduced to abject submission or slavery were ruthlessly destroyed.

The desire to convert the Indians to Christianity burned fiercely in the breasts of many of the earlier explorers, but the religious motive for colonization soon spent its force. Huguenots and Puritans established colonies in order to secure religious and political liberty for themselves, not to carry the Gospel to the Indians.

The Spanish monarchs were very careful to see that just laws were provided for the protection of the natives and that priests be given the opportunity to teach them religion. Nevertheless the *conquistadors* murdered them and the *encomendadors* made slaves of them. The English and Dutch treated the natives little if any better than the Spaniards. For more than two centuries these conditions continued without much change.

Then a new spirit began to pervade the world, a spirit which recognized the kinship of all mankind. Improved means of communication and a public press made visible the dark corners of the world. Enlightened selfishness also played a part in the amelioration of the hard lot of the natives of tropical colonies. After the slave trade was destroyed the native laborers had to be conserved, and the planters finally learned the lesson that their efficiency and value increased in proportion as they were maintained in health and contentment. With the growth of the hu-

<sup>71</sup> Keller, *Colonization*, pp. 5, 76.

manitarian spirit came also a sense of duty and obligation toward subject people. At first a vague sentiment which found expression in protest, it became in course of time an effective and controlling force. The impeachment of Warren Hastings did much to strengthen it and direct it particularly toward India. By the sacrifice of an individual an iniquitous system was destroyed and a principle established. Burke's speeches left an indelible impression upon the public mind. "The great lesson of the impeachment," says Lord Morley,<sup>72</sup> was "that Asiatics have rights and that Europeans have obligations; that a superior race is bound to observe the highest current morality of the time in all its dealings with the subject race. Burke is entitled to our lasting reverence as the first apostle and great upholder of integrity, mercy, and honor in the relation between his countrymen and their humble dependents."

But for several generations thereafter the principle meant little more than that natives should not be ruthlessly killed, robbed or otherwise mistreated. In fact, their exploitation was involved in the theory that colonies existed for the exclusive benefit of the colonizing state. Benevolently inclined colonists adopted the theory that if the languid denizens of the tropics were forced to labor hard enough and long enough *they would form the habit* and thereafter all would be well for the country.

The people of India are, and during the entire period of British rule have been, very different from those of any of the other colonies or dependencies. They are the product of an ancient and highly developed as well as distinctive civilization. In blood, religion and philosophy they differ from the English. The great mass of the people of India are ignorant, but there has always been a small proportion of highly cultivated and educated native people. England's responsibility for the good government of the natives was recognized long before the administration of the country was formally taken over by the Crown. To Lord William Bentinck, says Sir Charles Trevelyan,<sup>73</sup> "belongs the great

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<sup>72</sup> *Life of Edmund Burke*, p. 133.

<sup>73</sup> *Rulers of India*, III, p. 137. "The foundation of British greatness upon

praise of having placed our dominion in India on the proper foundation in the recognition of the great principle that India is to be governed for the benefit of the Indian and that the advantages which we derive from it should be such as are incidental to and inferable from that course of proceeding."

This doctrine was accepted without reservation by the Crown. In the famous proclamation of November 1, 1858, Queen Victoria announced that

"We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.

"It is our further will that so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service the duties of which they be qualified by their education, ability and integrity duly to discharge.

"We know and respect the feelings of attachment with which natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages and customs of India."

For many years the specific promises of this proclamation were not fully performed. The Indian people were being slowly educated and the country developed. But the higher English education given a few of the natives and the comparative material prosperity resulted in dissatisfaction with the government. Had England deliberately planned an educational system designed to destroy the type of government which she established in India it is doubtful whether she could have improved on the one actually adopted. It commenced at the top and has never reached very far downward. It was inevitable that a generation of Indians brought up on the philosophy of English Liberalism, and nourished on the writings of Burke and Mill, would demand that

Indian happiness was to be Lord William Bentinck's own special work." *Ibid.*, p. 133.



their principles be applied to India. Why, they asked, did not the arguments of Burke's speech on Conciliation with America hold good in India? There was no answer other than that India was not America and Indians not Americans or Englishmen. That answer, which implied inferiority, was not satisfactory to the Indians.

It seems difficult for an Englishman to understand why any person, white, black or yellow, should not wish to live under the British flag. Does it not, he asks, mean the blessings of law, order, peace and justice, and what more should any reasonable and well disposed person desire? In fact, these very desirable things, as understood by Europeans, are what the majority of Orientals do not want and object to having imposed upon them.

If the English government desired to perpetuate British rule in India it should in 1836 have rejected instead of approved Macaulay's plan for reorganizing the educational system.<sup>74</sup>

It decided that Indian youth should be educated on English instead of Oriental lines and proceeded to give an Oxford training to excitable young men who were destined to be clerks and subordinate officials. The history and literature of England are instinct with the spirit of personal liberty and political freedom, and it was to be expected that an India educated on such lines would demand control of her own affairs.

The movement took the form of an agitation for greater participation in the government—that is, for more offices for natives. The so-called National Congress which met annually after 1885 enabled the agitators to reach the ear of the world.<sup>75</sup> Being without vision the government attempted at first to ignore and then to suppress aspirations which under the circumstances were as natural as the sequence of the seasons. The concessions made were made grudgingly and therefore were not appreciated. British policy is generally just but seldom generous. It is never idealistic.

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<sup>74</sup> *Vide* Chailley, *Problems of British India*, Book II, Chap. 6 (1910), for a review of the Indian educational problem.

<sup>75</sup> For a fair estimate of the work of the Congress, see Sir Charles Dilke's *Problems of Greater Britain*, p. 432.

The United States pursued a different policy in the Philippines. She skilfully adopted as her own the cry which the Filipinos had raised of "the Philippines for the Filipinos," and has been able in a measure to direct a movement which could not be suppressed. Writing of the situation in India M. Joseph Chailley says: "If the English were an idealistic people their rule would be easy and splendid; in their turn they would seize on the motto, 'India for the Indians.'"

The modest concessions produced no great moral effect. In 1870 Lord Mayo inaugurated a restricted system of local government which was somewhat extended by his successor, Lord Lytton. By 1878 the native press had become so violent that it was necessary to establish a censorship. The first serious effort at reform on principles favorable to native participation in the government was made by Lord Ripon—"the first Viceroy to discover the new India, the India not of expanding boundaries, but of expanding souls." During his term of office municipal and urban boards based on the elective principle were established. For the first time "the natives became of some account in the management of their own affairs." The Press Act was repealed, but an attempt to authorize the trial of Europeans by native judges raised such a storm of indignation that it had to be materially modified.<sup>76</sup>

In 1892, under Lord Lansdowne, a large non-official element was introduced into the Provincial Legislative Councils. Some very substantial concessions were thus made, but nevertheless the Indians remained politically strangers in their own land.

Thus matters rested for sixteen years. During that time there was a general movement throughout Asia which boded ill for European control. The success of the Japanese in the war against a European power greatly stimulated the activities of those who were working to develop the idea of nationality and to consolidate the Asiatic races. Lord Curzon, who ruled India from 1899 to 1905, sympathized with the aspirations of the In-

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<sup>76</sup> For the history of the famous "Ilbert Bill," see Lord Cromer's article on Sir Alfred Lyall, in *The Quarterly Review* for July, 1913.

dians for greater national unity and with their ambition to play a part in the life of the country, but he believed that India then needed administrative reforms more than political concessions. The keynote of his remarkable administration was "efficiency," a word which he believed to be a "synonym for the contentment of the governed."

The experience of the British in India and of the Americans in the Philippines shows that this, like many other perfectly sound and valid principles, will not always work with Orientals. The fact is that they care very little for efficiency in administration. In a community of politically half developed and excitable Eastern people who are living under the imposed dominion of an alien race, it is a waste of breath to advise them to eschew politics and devote themselves solely to the developing of the material resources of the country. Probably it is exactly what they should do, but certainly it is what they will not do.

Soon after Lord Morley became secretary of state for India in 1905 it was decided to make further substantial concessions to the natives of India. The jubilee of the Queen's Proclamation of 1858 furnished an occasion for stating this intention in an impressive way. In the Proclamation of the King-Emperor, November 2, 1908, it was announced that:

"Steps are being continually taken toward obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure, as education spreads, experience ripens, and the lessons of responsibility are well learned by the keen intelligence and apt capabilities of India.

"From the first the principle of representative institutions began to be gradually introduced, and the time has come when in the judgment of my Viceroy and Governor-General, and others of my Counsellors, that principle may be prudently extended. Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship and a greater share in legislation and government. The politic satisfaction of such a claim will strengthen, not impair,

existing authority and power. Administration will be all the more efficient if the officers who conduct it have greater opportunities of regular contact with those who influence and reflect common opinion about it.”<sup>77</sup>

Just at this inopportune time the irreconcilable and criminal element among the agitators began throwing bombs and murdering officials. The Liberal government met the situation with firmness, but refused to abandon its plans at the instigation of the extremists of either violence or conservatism. The regulations of 1818 relating to the deportation of seditious characters were revived and in recognition of the fact that “you may put picric acid in a pen and ink just as much as in any steel bomb,” a Press Act and an Explosives Act were passed.

In a speech replete with the greatest magnanimity, Lord Morley appealed for support to the best class of Indians:

“Time has gone on with me,” he said,<sup>78</sup> “experience has widened. I have never lost my invincible faith that there is a better mind in all civilized communities—and that this better mind, if you can reach it, if statesmen in time to come can reach that better mind, can awaken it, can evoke it, can induce it to apply itself to practical purposes for the improvement of the conditions of such a community—they will earn the crown of beneficent fame indeed. Nothing strikes me much more than this, when I talk of the better mind of India—there are subtle elements, religious, spiritual, mystical, traditional, historical in what we may call for the moment the Indian mind, which are very hard for the most candid and patient to grasp or to realize in their full force. But our duty, and it is a splendid duty, is to try.”

In 1907 two Indians were appointed members of the Council of India in London, and soon thereafter another was made the legal member of the Viceroy's Executive Council. The legislation of 1909 resulted in the enlargement of the Imperial and Provincial Legislative Councils. The size of the former was trebled, the number of non-official members increased, and greater

<sup>77</sup> The Proclamations of 1858 and 1908 are printed in the Appendix to Morley's *Indian Speeches*, 1907-1909.

<sup>78</sup> Speech at Arbroath, October 21, 1907, *Indian Speeches*, p. 42.

scope was given to the elective principle. As increased, the Imperial Council consists of sixty-eight members, of whom thirty-six are official and must vote with the government. Of the remaining thirty-two non-official members, four are nominated by the viceroy, two elected by Chambers of Commerce, one by the Indian trading communities, seven by the landed interests of seven provinces, six by the Mohammedans and twelve by the non-official members of the Provincial Councils or by rural and urban boards in the Central Provinces where no councils exist. The control thus remains with the government. In the Provincial Councils, however, the non-official members have a majority and may outvote the government on legislative matters. In the Provincial Council of Bengal the elected non-official members outnumber the nominated members, both official and non-official.

It is not easy to overestimate the importance and significance of these concessions. They are especially interesting in view of the charges of rashness which were so generally made against the United States when similar powers were conceded to the Filipinos.

As to the general effect of this reform legislation, Sir Bampfylde Fuller says:<sup>79</sup>

“For the educated and well-to-do the State is then no longer to be regarded as an esoteric institution, with whose behests their only concern is to obey. Encouraging results can already be observed, although so far they are mainly indirect fruits of the concession. At the Council board Indians meet British officials upon equal terms; this equality is advantageous to both parties; the one gains in invigorating self-esteem, the other loses an aggravating air of superiority. Non-official opinion is bridled by responsibility, and elected members, who make their entry in declamation, soon settle down to dispassionate discussion. The offer of an authorized opportunity to public criticism lessens its inclination for tempestuous attacks, whether in the press or in such informal gatherings as the National Congress—a convention in which representatives of the educated classes have annually met to discuss and ventilate their grievances. These gains are indi-

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<sup>79</sup> *The Empire of India* (1913), p. 284.

rect, but they are very substantial. In the direct exercise of their legislative functions non-official members have not as yet made any great mark upon state policy; they generally find that their earnestness is discharged by their eloquence; having spoken with credit they feel relieved of concern with practical issues. But in this they do not differ from many Western orators."

He then calls attention to a fact which is noticeable in all Eastern countries which are subject to Western control—the disposition of the politically favored to represent their class only and ignore the common man.

"There is," he says, "a real danger that, under the new régime, the States will find it so troublesome to interfere on behalf of the working classes (who have in Council no spokesman of their own) that it will treat their interests with the indifference which they have suffered under the middle class Cabinets of the West."

Lord Morley said that the government in passing this reform legislation had no intention to pave the way for parliamentary government in India. It is hard to believe, however, that he and the other responsible Liberal statesmen could have been unaware of the fact that they were entering upon a road along which their successors must continue to travel until the goal is reached—and that is the government of India by the Indians, subject possibly to sufficient control to maintain its connection with the British Empire.<sup>80</sup>

At a meeting of the National Congress at Madras in 1908, one of the leading Indians, Mr. Surendra Nath Banerjee, thus expressed the understandings and aspirations of his people. "I will not say that we have got all that we want. We want absolute control of our own finances and executive administration. We have got neither; *but I believe that these reforms and pro-*

<sup>80</sup> "Some Englishmen appear to think that our duty lies in the direction of developing self-governing principles all along the line, and that we must accept the consequences of their development whatever they may be—even, I conclude, to the extent of paving the way for our own withdrawal from the country. . . . I do not conceal from myself that the consequences may be serious in so far that they may materially increase the difficulty of governing the country; but I altogether reject the extreme consequence of possible withdrawal." Lord Cromer, *Ancient and Modern Imperialism*, p. 125.

*posals in their moral development and in their ultimate evolution will give them both."*

Under these circumstances there is no reason to believe that the agitation for further concessions will cease, and the most disinterested observers think that the natives will win. "It is certain," says M. Chailley,<sup>81</sup> "that this struggle must, in the long run, end in the victory of the natives, and that the English must one day be reduced to the occupation of a very small number of high appointments—a mere symbol of their rule. Stendhal has said that as the prisoner thinks more often of escape than the jailor of keeping him there . . . the prisoner must in the end succeed. The Indian, too, will succeed—that is certain; *but it is good for him and for India that he should not triumph prematurely.*"

Great Britain's real problem is the maintenance of her supremacy over a land as large as Europe west of the Vistula and with thirty million more people, full of ancient nations, of great cities, of varieties of civilization, of armies, nobilities, priest-hoods, organizations for every conceivable purpose from the spreading of great religions down to systematic murder. It is a vast territory in which there are more Hindustanees than there are white men in the United States, more Bengalees than there are Frenchmen in Europe, more Maharattas than there are Spaniards in Spain; in which the number of fighting men under a military system such as is in force in Germany would place two and one-half million soldiers in barracks, add eight hundred thousand recruits thereto annually, and leave the reserves untouched.<sup>82</sup>

The difficulties presented by the government of such a country are almost inconceivable, and yet for more than a century India has been governed by a few thousand resolute detached Englishmen supported by a white army smaller than the regular army of Belgium. Of course British rule has rested on the prestige of moral and political superiority, and the people have acqui-

<sup>81</sup> *Problems of British India*, p. 526.

<sup>82</sup> Townsend, *Asia and Europe* (1910), p. 84.

esced in that rule because they realized that under existing conditions it was for the good of India. It has given them peace, order and justice. Its withdrawal would probably mean an internecine struggle and invasion by some other great power.

The moral justification of Western rule over Eastern people rests on race superiority and the possession of a higher civilization—a civilization so superior as to justify its imposition upon the ancient system by force. Like the American rule in the Philippines, English rule in India is justified by the moral and political superiority of the rulers. It follows that when those conditions no longer exist the moral justification for the rule will be at an end. As Mr. Meredith Townsend says,<sup>83</sup> "If the Englishman by virtue of the superior *morale* of his race has not a moral right to govern and administer India irrespective of the opinion of her people, then he has no right to remain there when she bids him go, no right of any kind to office if an Indian can beat him at the tests set up."

Whatever the final destiny of India, the work which England has done is permanent and will endure. As Lord Curzon so eloquently said, "The message is carved in granite, it is hewn out of the rock of doom—that our work is righteous and that it shall endure." It is for England to say when her work is finished. It is for her to determine when and to what extent the people of India are prepared to manage their own affairs. In the meantime she must resist the demands of the impracticable enthusiasts and grant concessions only as a reasonable proportion of the people are prepared for self-government. But the rapidly developing feeling of nationality should not and can not be suppressed. It should be cultivated and directed. Its worst features are the results of discontent and dissatisfaction; its best form will develop from the prosperity and well-being of the people. Agitation, a free press, Western literature and education all make for the same end. It is doubtful whether any Asiatic race will in the future willingly submit to the permanent rule of a white race. The white and yellow people may for a time occupy the same

<sup>83</sup> *Ibid.*, p. 116.



territory, cooperate in the same government, fight for the same cause and labor for the development of the same country, but if the white man is successful in his efforts to raise the yellow race to his own standards of efficiency and culture, he will have completed his political work. That time has already come in Japan, and it will come in China, in Java and in the Philippines. The recognition of the fact does not in the least detract from the usefulness or the dignity of the white man's work in the tropics. The master is responsible for those under his tutelage, and his honor and glory are in the success achieved by his pupils after they grow to manhood. The world's work must be done, and the East and the tropics must do their fair proportion. For the present it must be done under the direction of the white races. There is little in the history of the past to encourage the belief that the period of tutelage will be short. The issue rests with the natives themselves. If they have not the will or the capacity to develop on modern lines, the white man's control will be permanent.

The demand for some degree of self-government by the natives of tropical countries is general.<sup>84</sup> Even the Javanese are feeling its impulse.<sup>85</sup> Great Britain's constructive work in Egypt

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<sup>84</sup> "Self-government after the model of our self-governing colonies seems to be at present the ideal of every administrative unit of the Empire. Let it be so; but let us also bear in mind that the justification of that type of government depends on conditions that it may take generations, perhaps centuries, to realize. *Ohne Hast ohne Rast* (unhasting, unresting) must be our maxim; our spirit a spirit of caution in every procedure which has a tendency to bring into collision the usages and prejudices of communities, a spirit giving time for the slow and silent operation of desired improvements, with a constant conviction that every attempt to accelerate the end will be attended with the danger of defeat." Bruce, *The Broad Stone of Empire*, I, p. 35.

<sup>85</sup> The nationalist movement there is not at present of much importance. There are, however, indications of an attempt at organization for the purpose of agitation.

Mr. Bernard Miall, in a preface to Cabaton's *Java and the Dutch East Indies*, p. 23, says: "The nationalist cry is only dangerous when it is a demand that a helpless and ignorant people shall be handed over to a horde of semi-westernized lawyers, agitators, bureaucrats and contractors. It is to be hoped that the Indies have once and for all passed the period of spoliation; and there is every indication that the wise and paternal rule of the Dutch, and the lack of enormous urban populations will forever be a safeguard against the poisonous growth of a spurious nationalism. But we can not be surprised if the Dutch, with India and Egypt before their eyes, prefer to proceed with the utmost caution."

is greatly to her credit. She has rescued the country from bankruptcy, converted its deserts into cotton-fields, protected the common people from oppression by their native rulers and encouraged the people to expect self-government.<sup>86</sup> She entered Egypt for financial purposes; she remained as a schoolmaster. Until the exigencies of a European war made the establishment of a protectorate necessary she exercised but denied sovereignty over the country. She promised that her occupation would be temporary, but conditions made it permanent. For twenty years she controlled the country through a strong skilful diplomat and administrator who masqueraded under the ostentatiously simple title of British agent. Lord Cromer, who ruled with a wise and firm hand, was succeeded by Sir Elden Gorst, who soon after his arrival in Cairo informed a gathering of British officials that "they were not there to govern Egypt indefinitely, but to teach the Egyptians to govern themselves." He weakened his government by too much talking, just as we have done in the Philippines.

Gorst's well-meant efforts at conciliation were interpreted by the nationalists as evidence of weakness,<sup>87</sup> and for a time British prestige suffered. "When," says Lord Cromer,<sup>88</sup> "a very well intentioned but rather rash attempt was made to advance too rapidly in a liberal direction, the inevitable reaction, which was to have been foreseen, took place. Not merely Europeans, but also Egyptians called loudly for a halt, and, with the appointment of Lord Kitchener, they got what they wanted."

The movement for nationality has probably been stronger and more aggressive in Egypt than in any other Eastern country. It

<sup>86</sup> "Nothing that England has done in Asia, and Germany or France in Africa, has been so swift, so certain, so unquestionably beneficial to the world at large and to the populations immediately concerned." Low, *Egypt in Transition* (1914), p. 253.

<sup>87</sup> Fyfe, *The New Spirit in Egypt* (1911), Chap. 16. This is an interesting but one-sided book. The author prefaces his chapter on "The Fruits of Sentimental Anarchism" with Ex-President Roosevelt's wise statement that: "There are foolish empiricists who believe that the granting of a paper constitution, especially if prefaced by some high-sounding declaration, can of itself confer the power of self-government upon a people. This is never so. Nobody can give a people self-government any more than it is possible to give an individual self-help."

<sup>88</sup> *Political and Literary Essays*, p. 255. See also Cromer's *Abbas II*, Preface (1915).

will nevertheless be many years before any real nationality can be developed from the congeries of races which inhabit that ancient land. Egypt presents scarcely a problem other than that of religion which is not duplicated in kind in the Philippines. Even the declared objects of the two governments were the same and there is a remarkable resemblance in the methods which have been adopted. The origin of British power in Egypt and American power in the Philippines and the original objects were very different. But in each country the primary purposes of the government were declared to be the education of the people and the material development of the country for the benefit of the natives with the hope and reasonable expectation that indirect and incidental benefits would accrue therefrom to the metropolitan power. In a recent book on Egypt, Mr. Henry Cunningham<sup>89</sup> says: "It may be argued that the Philippine Islands are a colony whereas Egypt is an indefinable something which certain British politicians even hesitate to pronounce a protectorate, but the fact remains that the work of both powers is identical in principle—each has promised self-government when the people are considered to be fitted by education and training to receive it."

Nothing illustrates better the force of the general movement toward self-government than that, notwithstanding the fact that Lord Kitchener was sent to Egypt to "put a stop to the nonsense" which was being encouraged by Sir Eldon Gorst, he found it advisable to grant the natives further participation in the legislative department of the government.<sup>90</sup>

Lord Dufferin, who, after the battle of Tel-el-Kebir, was sent to report on the situation in Egypt, recommended the institution of certain representative institutions which would give the educated natives some part in the government.<sup>91</sup> The Organic Act

<sup>89</sup> Cunningham, *To-day in Egypt* (1913), p. 48.

<sup>90</sup> Lord Kitchener's Rept., Egypt, No. 1 (1913).

<sup>91</sup> Sir Auckland Colvin (*The Making of Modern Egypt*, p. 31) says with reference to Lord Dufferin's recommendation of local government: "There was a feeling in England that as the Egyptian revolt had raised the cry of self-government, some measure of self-government should be accorded. A Liberal government looked with unction on such an issue; the British public,

of 1883, provided for a Legislative Council of thirty members, of whom fourteen were nominated by the government, with authority to examine the budgets and proposed laws and communicate its opinions with reference thereto to the government. There was also a General Assembly composed of the Legislative Council, the six ministers, and forty-six elective members. No new tax could be imposed or public loan contracted without the consent of this General Assembly.<sup>92</sup>

By the law enacted in 1913, after Kitchener became British Agent, the General Assembly was merged into the Legislative Council, which became the Legislative Assembly. This body has eighty-nine members of whom sixty-six are elected by elector delegates, each of whom represents fifty inhabitants and must be elected by an absolute majority of votes. The cabinet ministers are *ex officio* members of the Assembly and the government nominates seventeen members to represent certain elements of the population, such as the Copts, Bedouins, and certain occupations and professions, such as merchants, doctors and engineers. The powers of the new Assembly are, however, little more than consultative and advisory. The government is still absolute, and legislation and administration are executive functions. Nevertheless the reorganized Assembly will, if its members are wise, exercise considerable influence upon legislation. It may initiate a *projet* of a law and send it to the Council of Ministers for con-

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profoundly ignorant in Egyptian matters, but pleased to see its most characteristic features reflected in all waters, acquiesced. Too great stress has sometimes been laid on Lord Dufferin's generous recognition that the metamorphic spirit of the age was working even in Egypt; as on his brilliant metaphor that, like her own Memnon, she had not remained irresponsive to the beams of the new dawn; that the lips of Egypt had trembled, if they had not articulated. This was only to recall to his countrymen, with characteristic felicity of language, that so far from her being capable of self-government the breath of a free spirit had but now for the first time touched Egypt."

See also Cromer, *Modern Egypt*, I, Chap. 18; Lyall's *Life of the Marquis of Dufferin*, II, p. 260. For an account of the development of self-government in Egypt, see Lord Cromer's Report of 1906 (Egypt, No. 1, of 1907, p. 29). Lord Cromer says that the leading idea of Lord Dufferin's law was "to give the Egyptian people an opportunity of making their voices heard, but at the same time not to bind the Executive Government by Parliamentary fetters." *Modern Egypt*, II, p. 274.

<sup>92</sup> Milner, *England in Egypt*, p. 308.

sideration. The Council is required to consult with the Assembly and will doubtless be greatly influenced by its advice. The "people" are thus consulted and advised with and to that extent progress has been made along the road which all governments are traveling.

England in the Soudan, like Germany and France in their African colonies, is dealing with primitive conditions and undeveloped people. Politically the Soudan is Anglo-Egyptian, flying both flags, a sort of hybrid state, "of a nature eminently calculated to shock the susceptibilities of international jurists." The country is quiet and orderly, and great progress is being made in material development and the preparation of the people for civilization. It is in the Soudan, United Nigeria and British East Africa, where native political aspirations have not yet developed, that British genius for colonial work at present finds its greatest opportunities.<sup>93</sup>

In the British Crown colonies the agitation for participation in the government by the natives is in the incipient stage. In India, Egypt and the Philippines it has become not merely a question of native participation but of native control. France in her colonies has avoided the question to some extent by a policy of assimilation. The Englishman keeps himself and his government as much aloof as possible from the natives and grants concessions as a favor from above. The Frenchman takes the natives of Algiers, Tonkin and the other colonies into the political family and invites them to send representatives to the National House of Deputies in Paris. *La ou est le drapeau, la'*

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<sup>93</sup> For present conditions in the Soudan, see Sydney Low, *Egypt in Transition* (1914), Chaps. 2-13, with introduction by Lord Cromer; and Yacoub Pasha Artin's *England in the Sudan* (1911). For an account of Sir Frederick Lugard's work in Nigeria, see Harris' *Intervention and Colonization in Africa*, Chap. 7. In South Africa the British have constructed a self-governing dominion out of the various colonies, which came to her as the result of the Boer War. The loyalty of the Boers during the present war is a tribute to British skill as state builders. It is interesting to note the great similarity of British methods and those of the Americans in the Philippines. For a detailed account of the methods pursued, see Worsford, *Reconstruction of the New Colonies Under Lord Milner*, 2 Vols. (1913).

*est France*.<sup>94</sup> The Germans were busy teaching their natives to labor. The Americans are serving as schoolmasters training the natives in state-building, agriculture, sanitation, road-making, and how to live like self-respecting members of a self-governing community.

Previous to the war with Spain the United States had taken no part in the work of colonizing and developing the tropics. Her territorial growth had been rapid but, with one exception, her acquisitions had been of contiguous territory. Her entry into the field of modern colonization was perhaps fortuitous. What Sir John Seeley said of England may, in one sense, be said of the United States—she seems to have acquired an empire “in a fit of absence of mind.”

The first decade of the twentieth century found her definitely committed to a policy of colonization according to the modern understanding of that word. Under forms of governments, adapted to the special conditions of each, she was governing Alaska, Hawaii, the Philippines, Porto Rico, Guam and the Panama Canal Zone, all distant non-contiguous territory. Cuba was an American protectorate; San Domingo a sort of protégé. Her control over the petty states of Central America, although less tangible was no less real. It was already apparent that for political purposes the Panama Canal should be considered as the southern boundary of the United States.

With the exception of Alaska, which was almost uninhabited, all these possessions were situated in the tropics and inhabited by alien peoples with a lower order of civilization. The matter of contiguousness, which had seemed so important to earlier generations, was important only in so far as it involved difficulties of communication. But distances had so shrunk that a few thousand miles of intervening ocean had become less formidable than the weary miles our forefathers traveled in crossing New England. The steamship, the cable and the wireless telegraph had annihilated distances.

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<sup>94</sup> Reinsch, *Colonial Government*, p. 190; Lewis, *Government of Dependencies*, Chap. X.

The acquisition of territory in the Orient was neither an unnatural nor an abnormal fact in the history of the United States. It did not even, to use the language of the geologists, constitute a fault in the structural development of the nation. It is a curious fact that more than fifty years before Dewey sailed into Manila Bay the German scientist and traveler, Jagor, predicted that: "In proportion as the navigation of the west coast of America extends the influence of the American element over the South Sea, the captivating, magic power which the great Republic exercises over the Spanish Colonies, will not fail to make itself felt also in the Philippines. *The Americans are evidently destined to bring to a full development the germs originated by the Spaniards.*"<sup>95</sup>

The entry of the United States into the field of tropical colonization came as a surprise to a world which had assumed that her policy of isolation was necessarily a permanent policy and that it would forever limit her activities to the Western Hemisphere. Nor did the manner in which she proposed to manage her new dependencies meet with the enthusiastic approval of European experts in colonization. It was to be expected that she would accept the generally approved theory that the welfare of the people under her control should be her first consideration. A republic with her traditions might be excused even for overstating the formula, but it was felt that there could be no excuse except ignorance for statesmen who deliberately and seriously announced to the world *and to the natives* that the country would be managed solely in the interest of the natives with the deliberate purpose of preparing them for the management of their own affairs. To British colonial statesmen of even the modern liberal school the announcement of such a policy seemed like flying in the face of nature which had intended certain races to remain in a perpetual condition of subordination.

It was conceded that the welfare of the natives should be the

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<sup>95</sup> Jagor, *Travels in the Philippines* (London, 1875), p. 369. In an article published in *La Solidaridad*, September 30, 1891, Rizal discussed the possibility that the United States would acquire the Philippines.

primary object of the government, but back of all such statements was the implication that what was for the welfare of the natives should always be determined by the Europeans.<sup>96</sup> Now came the impracticable and theoretical Americans and announced that the natives themselves should not only have a large share of the offices but a constantly increasing influence in determining their own affairs, and ultimately, when they had been educated and trained, if they so desired the entire government should be turned over to them.

It involves the assumption that an Oriental people of Malayan origin with three centuries of Spanish training are capable of being educated and trained to govern themselves on modern lines.

Much of the criticism of this policy was captious and founded on complete ignorance not only of the policy but also of the tendencies of modern colonization. Thus it was alleged somewhat superciliously that the Americans were disregarding all precedents and assuming inherent capacity for solving problems which the Dutch, English and French experts had not been able to solve to their entire satisfaction by the most scientific methods.<sup>97</sup> In fact the United States in adopting a policy and organizing a government for the Philippines followed the most approved British theories and precedents. Every principle which she applied had been approved by British statesmen or was the

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<sup>96</sup> The same conservative doctrine is thus stated by Lord Cromer: "In dealing with Indians, Egyptians, Shilluks, or Zulus, the first question is to consider what course is most conducive to Indian, Egyptian, Shilluk or Zulu interests. We need not always inquire too closely what these people, who are all, nationally speaking, more or less *in statu pupillari*, themselves think is best in their own interests, although this is a point which deserves serious consideration. But it is essential that each special issue should be decided mainly with reference to what, by the light of Western knowledge and experience tempered by local considerations, we conscientiously think is best for the subject race, without reference to any real or supposed advantage which may accrue to England as a nation." *Political and Literary Essays* (1913), p. 12.

It may be doubted whether in the administration of her colonies England always subordinates her interests to that of her native subjects. Her leading statesmen, however, certainly recognize her obligation to do so. It needs hardly be said that in practise America reserves the power to determine what is best for the natives of her dependencies.

<sup>97</sup> We have seen to what extent scientific methods had been applied to British colonization.



logical conclusion of British practises. She followed the way the *Zeitgeist* pointed. There was nothing novel in her methods of procedure unless it was in the stress laid on education as a means of elevating and developing the native people.

The instructions of President McKinley to the Philippine Commission followed the lines laid down in the Queen's Proclamation of 1858. Compare the following with the language which I have already quoted from that proclamation. The commissioners were directed to:

"devote their attention in the first instance to the establishment of municipal governments, in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities, and observation of the workings of native control show to be consistent with the maintenance of law, order and loyalty."

As different degrees of civilization and varieties of customs and capacity among the people precluded specific instructions as to the part which the people should take in the selection of their officers, the following general rules were to be observed:

"In all cases the municipal officers who administer the local affairs of the people *are to be selected by the people*, and that wherever officers of more extended jurisdiction are to be selected in any way, natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties, they are to receive the offices in preference to any others. It will be necessary to fill some offices for the present with Americans which after a time may well be filled by natives of the islands."

In all the forms of government and administrative provisions the Commission should bear in mind that:

"The government which they are establishing is *designed ne*

*for our satisfaction, or for the expression of our theoretical views, but for the happiness, peace and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government."*

But the Commission was instructed that the people of the islands should be made plainly to understand that:

"there are certain great principles of government which have been made the basis of our governmental system, which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their Islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar."

Then follows an enumeration of all the provisions of the Bill of Rights of the Constitution of the United States, except those relating to trial by jury and the right to bear arms.

Quoting the pledge contained in the capitulation of the City of Manila, the president closed the instructions with the following words:

"As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and firm, wise, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands."

There was, after all, nothing very radical in this statement of controlling principles. The government was to be for the benefit primarily of the people of the islands; in their local affairs they were to have every opportunity, subject to proper supervision, to

manage their own affairs, through officers elected by themselves, to the fullest extent to which they were capable; in filling offices, natives, when competent, were to have the preference; their customs, habits and even prejudices were to be respected, and their civil and political rights protected; all subject to certain great principles which the United States deemed essential for the rule of law and the maintenance of individual freedom.

But the United States was charged with placing undue confidence in the governmental value of education. All colonizing states now provide a certain amount of education for their native subjects. Great Britain makes order and material prosperity the primary objects of her governments and applies what money is left toward education, regarding it as a necessity but nevertheless the generator of difficulties innumerable. "In the long course of our history," says Lord Cromer,<sup>98</sup> "many mistakes have been made in dealing with subject races, and the line of conduct pursued at various times has often been very erratic. Nevertheless, it would be true to say that, broadly speaking, British policy has been persistently directed toward an endeavor to strengthen political bonds through the medium of attention to material interest."

It seems unnecessary to say that the Americans also recognize that order is the first essential of every government. But the work of education was commenced in the Philippines at once upon the restoration of comparative order. In speaking of English and Dutch colonization, Governor Taft said: "The chief difference between their policy and ours in the treatment of tropical people arises from the fact that we are seeking to prepare the people under our guidance for popular self-government. We are

<sup>98</sup> Cromer, "The French in Algeria," *The Spectator*, May 31, 1913. See Ireland, *The Far Eastern Tropics*, p. 240.

In reference to Lord Cromer's policy in Egypt, Sir Auckland Colvin (*The Making of Modern Egypt*, p. 406) says:

"Moral and intellectual progress have not been lost sight of, but they have been deliberately relegated to a subordinate place. The economic base of the Agents' policy has been the desire to leave an appreciable margin in the hands of the taxpayer." And yet Lord Cromer says:

"They [certain Pashas] recognized that the acquisition of knowledge was the sole instrument by the use of which Egypt might perhaps eventually be free from foreign control." *Modern Egypt*, II, p. 528.

attempting to do this first by primary and secondary education offered freely to the Filipino people. . . . Our chief object is to develop the people into a self-governing people, and in doing that popular education is in our judgment the first and most important means."

Time tends to show the wisdom of this policy. No British, Dutch, German or French colony has made more progress materially than have the Philippines, during the last ten years, or enjoyed a higher degree of order and justice. Considering the educational work which has been done in Egypt, Mr. Cunningham says:<sup>99</sup> "A larger measure of education might conceivably have made the task of government easier and facilitated the progress of civilization. A similar view was taken by the United States when the responsibility for the government of the Philippines was thrust upon her, a responsibility which, as in the case of England and Egypt, was unpremeditated and undesired. America came promptly to the conclusion that the first step to be taken was the education of the people and they set about it in their characteristic fashion. Instead of sending a score or two, as we have done in Egypt, they sent teachers out in battalions . . . starting schools everywhere and improving the many scholastic institutions already in existence."

Without much exaggeration it may be said that the American common school was carried to the East as a part of the *matériel* of the army. Probably nothing exactly like it was ever before witnessed. Soldiers left to guard the towns, opened extemporized schools for the instruction of the children while their comrades were in the fields fighting the parents. It may have been foolish, but it was a powerful agency in convincing the Filipinos of the good will of the Americans.

"Behold, they clap the slave on the back, and behold he ariseth  
a man!

They terribly carpet the earth with dead, and before their cannon cool,

They walk unarmed by twos and threes to call the living to school."

<sup>99</sup> *To-day in Egypt* (London, 1912), p. 48.

It has been said that the Englishman's sense of justice and the Frenchman's sense of humor are their chief assets as successful colonizers and rulers of alien people, and that the German, possessing neither of these invaluable attributes, is heavily handicapped. Americans possess the sense of justice and of humor and possibly something more.

America has controlled the Philippines for seventeen years, nearly a third of which were years of war and organization. In that short time she has demonstrated not only that her people possess the Englishman's capacity for governing dependencies but that they have a certain quality of enthusiasm for high ideals which British colonial history has not always disclosed and to the lack of which friendly foreign critics attribute her present difficulties in India and Egypt. Law, order and justice prevail in the Philippines as in all British colonies. The Filipinos have their national aspirations, their agitators, sedition mongers, irresponsible *politicos* and objectionable newspapers. They are as eager for self-government as the Indians and Egyptians, but it is a noticeable fact that these conquered, irritable and excitable people have not thrown a bomb or attempted to murder an American official. America's policy has not been repressive; it has not presented a stone wall of opposition to native aspirations, and it gives every indication of being successful. Never in the whole course of history has there been a better illustration of the profound truth of Edmund Burke's statement that "magnanimity in politics is not seldom the truest wisdom."

**PART I**  
**The Land and the People**

*“From the cape of California, being the uttermost part of Nueva Espanna, I navigated to the Islands of the Philippinas hard upon the coast of China; of which countrey I have brought such intelligence as hath not bene heard of in these parts. The statelinesse and riches of which countrey I feare to make report of, least I should not be credited; for if I had not knowen sufficiently the incomparable wealth of the countrey, I should have bene as incredulous thereof, as others will be that have not had the like experience.”* Thomas Candish to Lord Hunsdon (1588), Hakluyt’s *Principle Navigations*, XI, p. 376.



## CHAPTER II

### The Philippine Archipelago

Location—Number and Extent of the Islands—Configuration—Character of the Coasts—Rivers—Underground River—Mountain Streams—The Rainfall—Location of Cities—Mountains and Forests—Volcanoes—Earthquakes—Coast Line—Ocean Currents—Fauna and Flora—Minerals—Fish and Fishing—Climate.

At some remote time while continents were in the making, the long eastern coast of Asia which looked out upon the Pacific Ocean was crushed, wrenched, torn and flung about by the gigantic forces of nature. After the cataclysm, when things had settled down, turbulent new seas were washing the shores of the continent and the ocean was held at bay by a line of islands which extended from the far north southward until they spread fanlike toward the continent of Australia. A far-flung line of defense had been created along the entire eastern front of Asia. But it was not all above the surface of the sea. There were depressions, and elevations, high mountains and deep channels. Ever since the upheaval, the forces of nature have been at work molding and shaping the crushed and broken mass.

The islands thus formed are clustered together in well-defined groups. The northern and central have become the home of an Asiatic people who aspire to rival the Anglo-Saxons, who from their seagirt home rule over one-fifth of the earth and its people. From the southernmost point of the Japanese island of Formosa can be seen, on a clear day, the northernmost of that Philippine group of islands which extends far to the southward where they cluster about the northern shores of Borneo and the



Celebes, which with Java and its satellites form yet another aggregation.

The Philippine Archipelago thus lies north of the Dutch and British island of Borneo and the Dutch island of Celebes, south of the Japanese island of Formosa, and east of French Indo-China, the British colony of Hong Kong, and the southern provinces of the quondam Celestial Republic of China. It extends from five degrees north latitude to twenty-two degrees north latitude, and is thus entirely within the tropics. An isosceles triangle approximately five hundred miles on its base and a thousand miles on the sides would enclose all except the Sulu Group of coral islands, which would be left south of the base line and almost within sight of the fringes of Borneo. Within this figure there are about 3,141 islands, in sizes from the tiny islet inhabited only by strange tropical birds, to Luzon, with its millions of inhabitants and area greater than the state of Pennsylvania. The total land area of the Philippine Archipelago is 115,026 square miles, thus exceeding the combined area of the states of New York, New Jersey, Pennsylvania and Delaware and being seven thousand square miles larger than Great Britain. Two of the islands combined are greater than all of New England with the states of New York and New Jersey added. Luzon in the north contains 40,969 square miles. Mindanao is reported to contain 36,292 square miles, although recent surveys suggest the possibility that it is larger than Luzon. Nine islands, Luzon, Mindanao, Samar, Negros, Cebu, Panay, Leyte, Bohol, Mindoro, and Masbate, each contains more than ten thousand square miles, or six million four hundred thousand acres. Twenty of the islands each contains between one hundred and one thousand square miles. Seventy-three islands each contains between ten and one hundred square miles, 262 islands between one and ten square miles, and 2,775 islands, or seven-eighths of all, contain less than one square mile each. That is, seven-eighths of all the islands are so small that each one contains less than 640 acres of land. When the 1905 Philippine census was published 1,668 of the islands had received names, while 1,473 had not yet attained to that dignity.

Three partially submerged isthmuses join the Philippine Archipelago to Borneo and Celebes. On the west the connection is between the northwest coast of Borneo and the southernmost point of the long narrow island of Palawan. The strait of Balabac which lies between Palawan and Borneo is full of reefs and islands. The central connection runs from the northern coast of Borneo through the Tawi-Tawi, Jolo and Basilan groups to the southwestern point of Mindanao near Zamboanga. Between these connections lies the Sulu Sea with an average depth of six thousand feet. Farther east, a third isthmus extends from Celebes through the Sangail group to the southeast point of Mindanao near the gulf of Davao, thence northward in a great curve through Leyte, Samar, and southern Luzon. Between the eastern and western connections lies the deep Celebes Sea. On these submerged connections there are many coral reefs which often lie dangerously near the surface of the warm shallow waters.

The Philippines face the setting sun and the shore of Asia from which they were torn. During the greater part of the year equatorial currents and trade winds pile the waters of the Pacific on the bold and inhospitable eastern coast, rendering the few harbors dangerous and useless. The western coast is broken by inlets, bays and harbors. Between the coast line and the verdure covered mountains in the hazy distance, lie long stretches of fertile level country shaded by cocoanut palm and banana trees, beneath which are many villages teeming with brown people. White convent buildings and church steeples rise above the verdure and suggest life and civilization to the voyager whose ship day after day skirts the island shores.

Numerous rivers find their sources in the mountains, and after rushing through narrow gorges, meander slowly across the plains and fall sluggishly into the sea. These short streams form invaluable highways for the transportation in small boats of the produce of the country. The Cagayan River in northern Luzon, the Father Nile of the Philippines, flows into the Pacific at Apirri and is navigable for large steamers to the upper reaches where grows most of the tobacco for which the island is famous. Sixty

miles from its mouth this river is as wide as the Mississippi at St. Louis, but it is comparatively shallow and requires the constant attention of a large and expensive dredge boat.

The Rio Grande de Mindanao or Cotabatu, in southern and the Agusan in northern Mindanao are large rivers each more than two hundred miles in length. The Pampanga in Luzon carries much commerce. The Agno and Abra find their sources in the mountains of Benguet and wander through various and changing channels, across the plains of Pangasinan to the sea. During the dry season these rivers seem insignificant, but the engineer who is attempting to dam and confine them within their proper channels and the official who is required to find the money for such conservation proceedings never cross their dry beds without a feeling of exasperated respect for a worthy but troublesome opponent. When the torrential rains come, these modest rivers are suddenly transformed into rushing torrents. Inconceivable volumes of water come roaring, pitching and tossing down the mountain gorges, and spread wooden bridges and structural iron work all over the valleys. In such times the rivers disdain to follow their recognized and legitimate courses to the sea and treat with contempt the carefully executed engineering works designed to prevent the wearing away of banks and the destruction of villages and haciendas. They often cut new channels and occasionally leave concrete bridges standing in lonesome dignity miles from any water. They make of old highways in the rear of the towns new channels through which they thereafter for a time placidly flow while the carefully constructed and expensive docks, ripraps and warehouses face sadly out upon dry sandy wastes.

The Bued River rises in the mountains near Baguio and travels about twenty miles through deep and picturesque gorges, which in places are not more than one thousand feet wide, before it reaches the plains. In that distance it falls about five thousand feet.

Soon after the United States Commission took charge of Philippine affairs it was decided to build a sanatorium in the

mountains in order that overheated, weary, workworn civil governors, commissioners and other public officials might find rest and health. The beautiful plateau where the Igorots had built a village which they called Baguio, which translated means typhoon, was selected. But it was five thousand feet up to Baguio, and a road had to be constructed. The place was near the head waters of the Bued River, and for reasons which neither gods nor men have been able to fathom the road was located along the river bank in the bottom of the long gorge. The first location was elsewhere. The construction was commenced at Baguio, and the work continued for several miles along the ridge on a good level grade. Then suddenly it became necessary to drop over a cliff to the valley about two thousand feet below. Apparently no one had previously observed this cliff, so the work and the route were abandoned and work commenced anew at the other end of the river. As completed the road follows the river bed until within a short distance of Baguio when it rises some two thousand feet by a series of zigzags and lands among the pine trees and cool breezes of a glorious new climate. It is one of the most picturesque mountain roads outside of Switzerland. One can hardly believe that engineers advised the construction of the Benguet road in a tropical country along the bottom of a long mountain gorge where it was absolutely certain to be seriously damaged or destroyed every rainy season. But it was commenced and in time completed, and no one in power has ever found a good opportunity or possessed sufficient moral courage to abandon it. Every rainy season has left it badly damaged, and the expenses of maintenance and repair have been so great that the road is popularly supposed to have been surfaced with gold dust.

In the autumn of 1911 forty inches of water fell at Baguio in twenty-four hours. The mountains slid into the gorge. The Bued River rose sixty feet and when order had been restored the lower reaches had been scoured clean of road, concrete walls and bridges. Emerging from the gorge, the torrent met the

railroad, and so great was the propulsive power that the wits said that for weeks thereafter the structural iron belonging to the Benguet Road and the Manila Railroad Company was being picked up by thrifty Celestials across the sea on the coast of China. Nor did it sound entirely improbable to those who were familiar with the effectiveness of mountain rivers under the influence of torrential tropical rain-storms.

On the western coast of the island of Palawan there flows into the sea from what looks like the entrance to an abandoned coal mine in the hills of Ohio or Pennsylvania, an underground river which is one of the physical wonders of the world. From whence it comes no one as yet knows. To the few natives of the remote and desolate coast the cave has an evil reputation. Ghosts and such like evil and undesirable things have made it their abiding place for ages past, and Moro pirates who disappeared through its jagged entrance were seen no more. Until recently nothing was known of this remarkable natural phenomenon. The first partial exploration was made by Lieutenant Miller while acting as governor of Palawan. In the spring of 1912 the river was further explored and surveyed by a party under my direction. After passing up the river for a distance of three miles, the boats were stopped by a huge mass of rock which an earthquake had shaken from overhead. The boulders filled the channel to the height of probably sixty feet. The climb over the slimy rocks into the unknown cavity was difficult and rather awe-inspiring for amateur explorers. Beyond the rocks there was a bowl-shaped depression the bottom of which seemed to be on a level with the lower river bed. The roof overhead was like an inverted bowl, thus creating almost a round cave.

After passing through a kind of tunnel for several hundred feet the river was again located. The cavern or tube through which it came was about the same size as that below the cave-in and there appeared to be nothing to prevent an exploring party from continuing if a boat could be carried over the rock pile. But as neither canoes nor canvas boats were available further progress was impossible.

The river throughout its entire course averages about thirty feet in width and probably fifteen feet in depth. In places the ceiling of the cave is so low that it is necessary to lower the head in passing, while elsewhere it expands into a good-sized chamber, from one hundred to one hundred fifty feet in height. There is very little variation in the size of the stream until the obstruction is reached. The water is fresh, clear and cool and flows with a steady but not rapid current. The air is fresh and pure. The scenery is picturesque and extraordinarily interesting.

Having ascertained that the river continued above the cave-in and not having the necessary equipment for proceeding farther, we began the return journey toward daylight. The party had been under the mountain for about five hours. The Stygian darkness was but slightly affected by the insufficient lights. The return to the sea was a memorable journey. The soft gliding water made no sound. There were no waterfalls. Only the occasional flutter of the wings of a bat, the dip of an oar and the awed ejaculations of surprise and appreciation broke a silence which was that of the ages. The novelty of the situation had somewhat worn away and the details of the rock formations could be more closely observed. Nothing but an artist's pencil could tell the story. Photographs give but the outlines, and convey no adequate conception of the marvelous detail of line and color. Nature's sculpture is everywhere. There a stain like a splotch of paint from the brush of a drunken painter suddenly assumed the form of a huge black cat, squat upon his haunches, and you gazed fascinated, expecting momentarily to hear the cavern echo with an angry yowl. But the boat glided silently by, leaving the fantastic feline to his darkness. Looking over your shoulder for one last glance, you found him metamorphosed into some sprawling, floundering monster without a name. Another dark splotch on the high wall had become a warrior bold, with drawn sword, in the dress of past centuries. The illusion was complete. As the angle of light changed the sword came slowly down in salute to the passing procession. The warrior, too, was

left to meditate upon the strange scene of ghostly boats gliding slowly by, amid the uncertain light of flickering torches, filled with mystic figures, bound seaward.

Again the scene changes. Here the note is of ancient Egypt. Carved by Time itself, unaided by the hand of man there reposes a complete and finished griffin, or is it a sphinx resting solitary as amid the sands of the desert? Between stately stone pillars rise a series of steps leading from the water to some temple within. It all belongs on the banks of the Nile. Stalactites in myriad numbers, carved into forms of fruit, flowers and vegetables, are everywhere. Along the roof extends the perfect keel of a yacht. Then the cavern stretches away, an almost perfect rectangle, with walls and ceiling decorated with many colors—surely the deft work of an artistic, designing hand. A sharp turn of the way and a huge stalactite hangs glittering like a chandelier from the ceiling of some great ballroom. Another has been cut by silent creeping waters into the form of a huge bunch of banana leaves. Here hang dark brown leaves of curing tobacco while there the rocks are folded and convolved into a great artichoke.

Suddenly the boats glided into a great chamber, resplendent with color and decorations, like a stage set for a scene in some grand opera or spectacular drama. The chiseled stones catch and break the light into myriad glistening particles. All these and a thousand more wonderful things are there three miles inward from the sea and four thousand feet beneath the roots of the great forest trees which cover the mountains above.

As the boat neared the exit a certain eagerness to reach daylight became apparent which evidenced the strain inevitable to such a journey. The air, although comparatively pure, lacked vitalizing power. We turned suddenly to the left, and the entrance flashed into view. The brilliant yellow sunlight seemed to be crowding and surging against the jagged saw teeth cavities like the surf of the sea beating upon a rocky shore. The oppressive silence gave place to the sound of life and being. So

sudden the change that we seemed to hear "the roar of sap in bough impregnated and the deafening rumor of the grass."

Manila is situated at the mouth of the Pasig River which flows into a great bay twenty-five miles in diameter, over the narrow entrance of which the great fortress of Corregidor stands guard. The traveler in the Philippines is impressed by the fact that the towns and cities are badly located. They are seldom on the coast. Even Manila is twenty-five miles from the entrance to Manila Bay. It would have been better for the moderns if Legaspi had located the city at or near Maravales at the entrance to the bay, where there is a good protected natural harbor lying under the guns of Corregidor. Such a location would have had many advantages over the present one. Nature there has furnished good water, and perfect drainage. From their residences on the mountainsides, the inhabitants would have enjoyed the cool invigorating breezes, and a view such as poets seldom imagine and painters never dare paint.

But the cities and towns of the Philippines are centuries old and their original locations were determined largely by reasons of defense. From the very earliest times the coasts were harried by sea rovers. First came the Dutch and the Portuguese, then the Malay pirates from Borneo, and ever after the Moros from the southern islands. The towns and villages shrank back from the shore in order to find protection from these ocean raiders. From the north of Luzon to the far south the coasts bear the marks of the long contest with the Moros. On many strategic points the Spaniards and Filipinos constructed the stone watch towers which still stand gray and picturesque amid the green foliage and entangled vines. For two and one-half centuries a substantial stone fort, built by the natives under the direction of a Spanish friar, on a cliff jutting into the sea, has guarded the entrance to the beautiful little harbor of Romblon. It was built of the white stone found on the island and stands today an interesting and picturesque memorial of the time when pirates' craft and sea marauders were as common as now are merchant vessels and tourists.



The entire Archipelago is mountainous, with broad valleys between the ranges and along the shores, and occasional high tablelands in the interior. The general trend of the mountains is north and south. Ordinarily the height is not great enough to be very imposing, but what is lacking in grandeur and impressiveness is supplied by beauty of form and coloring. The tropical forests mass about the foothills and roll up the mountainsides like green waves on a sloping beach until they crown the summits with verdure. There is little of the ruggedness of the mountains of temperate climes. The soft warm mists hang about them. Strange animals live in their shadowy depths, and stranger men. Primitive, timid little people build their habitations in the branches of the great trees, hidden amid the entanglement of vines and parasitic growths. Unseen waterfalls splash and tinkle amid the silence. To climb the slopes of one of these mountain ranges beneath the great trees through whose interlacing tops the sun never penetrates, is to realize the meaning of the forest primeval.

In the interior the mountains rise often to grandeur. Mount Apo in Mindanao is more than ten thousand feet in height, while many others run from five to eight thousand feet. The scenery in the Benguet mountains is very beautiful and impressive. From the observatory on Mount Mirador the plains of Pangasanan unroll toward the great Gulf of Lingayan and the China sea. From the rest house on the summit of Santa Tomas on a clear night, the lights of Manila, one hundred fifty miles away, glow dully against the sky. About twenty of the mountains are volcanic and many others bear the marks of early activity. About a dozen have been in active eruption within historic times, while scores of others are quiescent or extinct.

Mount Mayon in Albay is one of the most beautiful mountains in all the world. A perfect cone, with a base eighty miles in circumference, it rises in the midst of a rich cultivated plain to the height of eight thousand feet. Smoke and steam float about the summit in lazy grandeur. Amid the memories of many beautiful tropical scenes, none stands out more distinctly

in my mind than a ride over the splendid road which runs entirely around the base of the mountain. A few miles from the base are the ruins of the old city of Daraga. The top of the church and convent only show above the ground to tell the story of the eruption in the early years of the last century.

Taal volcano, forty miles from Manila, rises from the center of a lake to a height of a few hundred feet. It is the most active volcano in the Archipelago. The eruption of 1873 did much damage. That of 1903 was not so bad, but in 1910 Taal eclipsed all previous records. More than a thousand people who, despite warnings, continued to live in a village at its base, lost their lives. Much damage was done to the neighboring country. The initial explosion brought half the people of Manila, forty miles away, out of their beds to see one of the most wonderful and impressive spectacles which the world has to offer.

Coral animals have aided volcanic action in building the islands. Volcanism has raised the land through the warm waters and formed thousands of islands fringed about with coral reefs.

Serious damage has often been done by earthquakes. In 1645 many churches, monasteries and public buildings in Manila were destroyed. The governor-general had to be extricated from the ruins of his palace. In 1865 Manila was again badly damaged. During certain months of the year slight quakes and tremors are so common that the people become accustomed to them and pay them little attention.

Although the islands are of volcanic origin, there are large areas of northern Luzon which are underlaid with granite, chists and the like, and several islands like Cebu and Bohol are covered with a thin layer of limestone. The elevated lakes, marshes, waterfalls and beach lines which are so common show that many changes of level have occurred within times which are, geologically speaking, recent.

The coast line is more than double that of the United States proper. The coasts are sinuous and intricate; the currents uncertain and unaccountable; the channels dangerous and tides variable. The navigator who strays from the beaten paths, un-

less very familiar with the waters, takes serious chances of landing his craft upon some submerged coral reef. Even the most experienced navigators may go astray.

One evening when traveling from Sandakan, in British North Borneo, across the dangerous Sulu Sea to Siassi, my attention was called to a statement in the official sailing directions of the experience of an English ship, which had laid a course for two miles south of a small island, and in the morning found itself ten miles to the north of its objective point. It had been carried twelve miles sidewise as it were by the current. We laid the exact course of the English ship, making allowance for the current. The night was perfect and the sea quiet. At daylight our ship was several miles south of the island in a nest of reefs, the current having run from exactly the opposite point from which it was expected. A few months later the same navigator, going to the same island, laid a course which he considered a fair average, and struck the low island at full speed. Such are the uncertainties of navigation in the Sulu Sea. At times the currents seem to flow without law or reason as the wind blows where it listeth.

The animal life in the Archipelago resembles that of the surrounding regions, but shows nevertheless remarkable differences. There are fewer mammalia than in the neighboring islands of Borneo and Java. There are but two species of monkey, three of the carnivora, and but six of the deer tribe—the most interesting being the tiny mouse deer, which is no larger than a little rat terrier. Small rodents are very scarce, but there are not less than thirty species of bat. The great fruit bat, which is found in many of the southern islands, has a body as large as that of a good sized cat, with a spread of wings measuring as much as five feet. The carabao and timarau are the only large mammalia. The latter lives in Mindora, where it is the ambition and the terror of all hunters. The mountains and foothills abound in wild boar and deer. Monkeys are quite common, and travelers in the remote districts soon become familiar with them.<sup>1</sup>

<sup>1</sup> In a *Historia de Mindanao y Jolo* (1667), by Francisca Combes, a work

Certain animals are found on certain islands and not elsewhere. Thus the timarau lives in Mindora, the porcupine in Palawan and the Calamianes Islands, and numerous other animals live within very restricted districts.

Some unpleasant animals inhabit the waters. Crocodiles are often to be seen basking in the sun along the banks of the large rivers, and furnish rare target practise from passing steamers. But they are not always in evidence. I once spent a night and part of two days in a Moro *vinta* traveling through marshes and rivers to reach Lake Buluan under the shadow of Mount Apo, where crocodiles were popularly supposed to feed only on ambitious hunters, but the day's hunt revealed not one crocodile. However, on the return journey through the marshes, four guns brought down *from above* more than five hundred fine ducks of various species.

Lizards are common and in sizes to suit all tastes. The little chirping house lizard is a sort of cricket who lives on the ceiling instead of the hearth, and earns the friendship and gratitude of his hosts by eating an astonishing quantity of flies, and other such pests. Of snakes there must be a reasonable number, although in my travels about the islands I was never so fortunate as to see even a little one. However, I was not looking for snakes. Pythons must exist because they can be seen in the museums, and many narrations of desperate encounters with them have been written. But they seem to belong generally to the prehistoric or the late Empire period, after the war had become uninteresting and while the home-land appetite for stories of adventure remained unsatiated. House snakes are also traditional, but few moderns have seen them. Formerly it is said that they were sold on the streets like parrots and canaries, for pets.<sup>2</sup>

which Blumentritt says has "always been considered one of the most valuable pearls of Philippine literature," it is said that wild elephants were then found on the islands.

<sup>2</sup> "In view of the number of species known, it is a matter of some surprise that snakes are so seldom encountered by those whose business leads them into the forests or through the high grass; in fact the majority of people seem to believe that very few snakes exist here." E. L. Griffin, "Poisonous Snakes in the Philippines." *Phil. Jour. of Sci.*, January, 1909, sec. B.

Insects are too numerous for the comfort of other than naturalists, but fewer than one is led to expect. The number of species is said to be great, but the amount of insect life is surprisingly small. Common house flies are comparatively few and mosquitoes, while always present, are scarcely anywhere such pests as in certain sections of the United States. In the large cities they have been almost exterminated by the modern crusade against the carriers of fever *bacilli*. Ants of various kinds and locusts are numerous, the former eating everything but the corrugated iron roofs of the wooden houses and the latter often desolating the fields.

Cockroaches furnish material for some hysteria among the ladies and not a little profanity from the men. They are of stupendous size according to the ordinary home standard for cockroaches. Three inches in length with an expanse of wing sufficient to suggest a bat is about the average. They are a very great nuisance, as they eat everything from boots to bookbinding.

The general features of the flora are Malayan, resembling that of Java, Borneo and the Celebes. In northern Luzon the plants resemble those of China. But the differences are such as to give the flora of the Philippines marked individuality. In 769 instances there are differences sufficient to make distinct species.

On Mount Apo in Mindanao there are birds which are said to be found nowhere else in the world. The number of species is about the same as in the United States, but birds are not so common. Of 286 species found in Luzon fifty-one do not exist on any other island. The avifauna of Samar and Leyte contain twenty-two species not found elsewhere, and seventeen are peculiar to Mindora and Palawan. Cebu, a near neighbor of Negros, on one side and Bohol on the other, contains nine species of land birds not found elsewhere. The islands contain three hundred species of land birds, more than are found in Java. Snipe, plover, pigeons, ducks and geese abound. But there are many important genera found in other Malay islands which are not found in the Philippines. Flocks of white parrots give a touch of color to the somber forests of Mindanao.

Flowers are common, although not as a rule very striking. The Philippines have been described as a land where the birds have no song and the flowers are without perfume, but this is a libel on both birds and flowers. The night air is heavy with the fragrance of the *dama de noche* and the flower of the famous *ilang-ilang*. Orchids in great variety are common. At certain seasons the entire foliage of large trees turns to flaming red, purple or violet. Long avenues in Manila are lined with the so-called fire trees which during the month of July blaze with their gorgeous foliage.

The mountains are shot with minerals, but for reasons mainly economic mining has never been very profitable. Gold has always been produced and marketed. The mountain people bring gold dust to the towns for exchange and sale. Coal is found in good quantities, but the quality is poor, as the islands are not yet old enough to produce a very good grade. The operator who holds on to his claim until the proper geological period arrives will undoubtedly gain great wealth. There is also copper on the upper waters of the River Abra which has been crudely mined by Spaniards and natives in the past. Marble exists on the island of Romblon, but inconsiderate earthquakes have wrenched and twisted the deposits and made it difficult to find large unbroken slabs. There is also some iron, and the prospects for petroleum are said to be good.

The coast waters teem with fish, which form an important element in the food of the Filipino people. Trout and bass do well in the mountain streams, although the torrential rains are liable to wash them down into the valleys, where they perish in the warm waters. After the streams near Baguio were stocked with bass, the Igorots developed remarkable skill in catching them with their hands. The warm waters of the tropical sea are filled with curiously shaped and vividly colored fish. I have seen Moros frying goldfish for supper. I am not an ichthyologist and can not speak with authority, but venture the assertion that there is not a fish in the Naples, Honolulu or other aquaria which is not found in Philippine waters. The aquarium at Manila is

a unique structure built into the ancient city walls and can easily be made the most complete in the world.

Until very recently it was asserted that no game fish lives in Philippine waters. But the difficulty was in the absence of game fishermen. It is commonly said that the fish are too lazy to bite, but this, like similar statements with reference to the people, is a perverted, exaggerated statement of the facts. It is the fishermen who are generally too languid to undergo the necessary exertion. There are no finer fishing grounds in the world. Baracuda, tanguingui (Spanish mackerel), pompano, bonito, *lapu-lapu* (groupers), snappers, Sargent fish, tuna, tarpon (probably) and many others abound and furnish satisfactory sport for the most seasoned and experienced sportsman.

The various characterizations of the climate of the Philippines, ranging from "delightful" to "deadly" are all correct when proper consideration is given time, place and personality. It varies in different islands and localities, depending upon latitude, altitude, the relative distribution of land and water, the size and configuration of the island, the proximity of mountain ranges, the composition of the soil, the vegetation, the ocean currents and various other matters.<sup>3</sup>

According to the thermometer the heat is seldom excessive, but individuals measure by other standards. So great is the humidity that a reasonable degree of heat is trying to the temper and the linen. But while a "wet heat" is uncomfortable it is seldom deadly. The situation is saved by the fact that the extremes of heat and humidity never coincide. During May the thermometer will often register ninety degrees Fahrenheit, but the humidity is low and the nights, with few exceptions, cool and refreshing.

The highest recorded temperature at Manila is 103 degrees Fahrenheit in May, 1871, and 101 degrees Fahrenheit in May, 1912. The average temperature during the years from 1885 to 1912 was: January, 76.8; February, 77.5; March, 79.9; April,

<sup>3</sup> "Climate," by Rev. Jose Algué, *Census of the Phil.* (1906), p. 87 *et seq.*

82.8; May, 83.3; June, 82.2; July, 80.8; August, 80.8; September, 80.4; October, 80.2; November, 78.6; December, 77.4.

April and May are the hottest, August and September the most humid months. On the west coast the rains begin in June and continue through November. From December to June there is little rain, and by March the country is dry and parched. On the west coast these conditions are reversed and in the southern islands it rains at all times of the year.

By ascending the mountains one can always find relief from the heat of the plains. Pine trees grow at Baguio and a fire is always comfortable in the evenings. But it never freezes although the thermometer occasionally drops to the line of a gentle frost. Personality and temperament play an important part in the health and comfort of individuals. There is truth in the statement that "it is your human environment that makes climate." Irritable, fidgety persons who insist that things should be exactly as they were at home, are seldom happy in the tropics. The well-balanced, equable and reasonable adjust their habits to the conditions, learn from the natives, recognize the limitations in their activities and live happily and comfortably ever after, or at least until time for the long vacation in some land of frost and snow. When that energetic uplift worker, Mrs. Jellyby, was asked about the climate of Borrioboola Gha, she replied:

"The finest in the world."

"Indeed, ma'am?"

"Certainly. *With precautions.*"

Science, sanitation, and knowledge of the laws of health have rendered life almost, if not quite, as safe and comfortable in the tropics as elsewhere—*with precautions.*



## CHAPTER III

### The Native Peoples

#### I

##### NON-CHRISTIANS AND FILIPINOS

Varieties of Peoples—"East Is East and West Is West"—Extent to Which This Statement Is True—Classification of the Inhabitants—Aborigines and Malays and Subdivisions of Each—The Negritos—Various Tribes of Wild Men—Head-Hunting—The Beginnings of Civilization—The Filipinos—The Seven Groups—Various Opinions as to Their Characteristics.

The great variety of peoples, with their different languages, customs, habits, religions and degrees of culture, have made the Philippine Archipelago a sort of happy hunting-ground for students of ethnology. It has now become almost as interesting to students of social and political conditions.

It has been assumed very generally that the people of the East are incompetent racially to develop on Western lines or to acquire Western civilization; that there are inherent differences, mental and physical, which require the white man and yellow man to be educated and governed on different principles and to develop on distinct lines.

The colonial policy of the United States is based on the assumption that the Filipinos, so far as desires and inherent capacities are concerned, do not differ materially from white men and that they are capable of being educated and trained to govern themselves. It assumes that the principles of good government will be recognized and accepted by all men and that an Eastern people with a fair degree of development may successfully conduct a popular form of government and that such a government is the best for them.

The fact that the attempt is being made to apply this theory

in the Philippines adds greatly to the general interest in the character of the native people. Although the Philippines are in the East, they are not entirely of the East as the word is commonly used. The Filipinos are Malays, who for more than three centuries were governed by Europeans and subjected to the influence of the Roman Catholic Church. During that period the great majority of them became Christians, many sincere and devout, others mere technical adherents. The nature of their contact with Europeans has differed from that of any other Oriental people. It was not until comparatively recent times that they were brought under the influence of Western theories of life. The Christian civilization under which they and their ancestors were trained was that of Spain in the days of the religious revival, which is known as the Catholic Reaction. The spirit of modernism which in Europe and America influenced the Catholic Church like all other institutions, never reached the Philippines, and, of course, the independent spirit of Protestantism was never known there.

With few exceptions writers who philosophize about Eastern matters assert that East and West are antithetic terms, connoting moral and intellectual conditions separated by an almost impassable gulf. This view is accepted by almost all European residents in the Orient and by most of those who have come in close contact with the people.<sup>1</sup> It is crystallized in Kipling's oft quoted lines:

"Oh, East is East and West is West and never the twain  
shall meet,  
Till Earth and Sky stand presently by God's great judgment seat."

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<sup>1</sup> See Townsend, *Asia and Europe*, Chap. 23; Cromer, *Modern Egypt*, I, Introduction.

"Those who have been in the East and have tried to mingle with the native population know well how utterly impossible it is for the European to look at the world with the same eyes as the Oriental. For a while, indeed, the European may fancy that he and the Oriental understand one another, but sooner or later a time comes when he is suddenly awakened from his dream, and finds himself in the presence of a mind which is as strange to him as would be the mind of an inhabitant of Saturn." Sayce, *The Higher Criticism and the Monuments*, p. 558.

This alleged inherent social and racial difference is supposed to be so great and of so permanent a nature as to render impossible any real comprehension of the people of one part of the world by those who have developed under a different environment.

In philosophizing about the East, people think of India and China; the Malay race, with the exception of the Japanese is included by implication only. It seems, however, that even the Chinese are not such mysterious and incomprehensible beings as we have been led to believe.<sup>2</sup>

There is a growing disposition to question the common theory of an inherent difference between the people of East and West and to treat what is called the literary interpretation of the Orient with scant respect. According to Doctor Reinsch, "The conventional and vulgar antithesis of the Orient to the West with its short delineation of contrasts has been altogether misleading." He believes that there is no evidence of any distinct racial differences which render the people permanently antagonistic, but that by profoundly influencing each other they will both contribute their share in developing the ideal of an "all human civilization of the future."

In a recent book, Professor E. H. Ross says that "to the traveler who appreciates how different is the mental horizon that goes with another stage of culture or another type of social organization than his own, the Chinese do not seem very puzzling. Allowing for differences in outfit of knowledge and

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<sup>2</sup> Our conceptions of these strange people have really not been much more just and accurate than were theirs of the Westerners. We have been taught that China is a "sort of fantastic, topsy turvy land; a land of pagodas and pigtailed and porcelain; where the people ate birds' nests, and chow dogs; where merchants and missionaries struggle eternally with illusive mandarins against a background of willow pattern, serenity chequered by periodic cataclasm." Bland, *Recent Events and Present Policies in China* (1913), p. 4.

This is not much more accurate than the old Chinese idea of the people of the outer world.

"The barbarians [all other than Chinese] are like beasts and are not to be ruled by the same principles as natives [Chinese]. Were any one to attempt controlling them by the great maxims of reason, it would tend to nothing but confusion. The ancient Kings well understood this and accordingly ruled barbarians by misrule." Quoted in Foster, *American Diplomacy in the Orient*, p. 44.

fundamental ideas, they act much as we should act under the same circumstances. The theory, dear to literary interpreters of the Orient, that owing to diversity of mental constitution, the yellow man and the white man can never comprehend or sympathize with one another, will appeal little to those who from their comparative study of societies have gleaned some notion of what naturally follows from isolation, the acute struggle for existence, ancestor worship, patriarchal authority, the subjection of women and the ascendancy of scholars."

It is very certain that recent events in the East have forced the Western world to admit that all things being equal, the Oriental will act very much like other people.<sup>3</sup> The movement is the answer of the yellow race to the questions put by the Jew. Have we not "hands, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same summer and winter as a Christian is? If you prick us do we not bleed? If you tickle us do we not laugh? If you poison us do we not die? If you wrong us shall we not revenge?"

A belief in the essential unity of the human race and the capacity of all men for progress and development, does not require one to believe that the people of the East and West are at present so alike that they should be required to live under the same form of government and be subject to the same kind of laws. Ages of racial life in different environments have developed differences which for all practical purposes may be regarded as inherent traits of character. The Western people have great confidence in the curative and regenerating force of Western methods, education and ideas. But neither, nor all combined, have been able so far to show substantial results in proportion to the amount of effort put forth.

The attempt to infect these ancient civilizations with the germs

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<sup>3</sup> There may be something in Mr. Bland's suggestion that the appearance in China of dynamiters, suffragists, and other evidences of mankind's common instincts and common destiny has helped to modify our views.

of Western life has not been very successful; at most it is but encouraging. To continue the biological simile, the "cultures" generated in that strange compound of Christian ethics, Pagan philosophy and commercial dishonesty which is called Western civilization, have not been able to destroy those already in possession of the Eastern body politic. The *bacilli* resident in the ancient organization have generally been able to repel the invaders. There is evidence, however, that although the battle is still on, the newcomers have at last got the upper hand.

The truth as to the nature and character of the people lies as usual, about midway between the extreme views. The Oriental is unlike the Westerner but not at all so unlike as we have been taught to believe. The difference is mostly in his outlook on life, and in *his estimate of values*. It is psychological rather than biological. The point of view is different, and also the mental processes.<sup>4</sup> As said by Sir Bampfylde Fuller in an interesting address at the Royal Colonial Institute,<sup>5</sup> the phrase, East is East and West is West has something real behind it. It expresses a vital distinction between the view which Eastern and Western people *take of the purpose of life*. In both East and West the object is to obtain satisfaction. The East endeavors to satisfy itself simply and directly by appealing to the emotions, by developing such feelings as affection, loyalty, devotion and self-esteem. The West aims at satisfaction less directly. It is concerned *rather with its environment than with itself*, and influences its feelings largely by changing and complicating the cir-

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<sup>4</sup> "No casual visitor," says Lord Cromer, "can hope to obtain much real insight into the true state of native opinion. Divergence of religion and habits of thought; in my own case, ignorance of the vernacular language. The reticence of Orientals when speaking to any one in authority; their tendency to agree with any one to whom they may be talking; the want of mental symmetry and precision, which is the chief distinguishing feature between the illogical and picturesque East and the logical West, and which lends such peculiar interest to the study of Eastern life and politics; the fact that religion enters to a greater extent than in Europe into the social life and laws and customs of the people; and the further fact that the European and the Oriental, reasoning from the same premises, will often arrive at diametrically opposite conclusions—all these circumstances place the European at a great disadvantage, when he attempts to gauge Eastern opinion." *Modern Egypt*, I, p. 7.

<sup>5</sup> *United Empire*, IV (N. S.), No. 1, p. 19.

cumstances of life. In the West life is a cinematographic entertainment that results from the variety of the material objects around us; and since these objects admit of endless changes and each change modifies our conceptions, there is a constant change and development of ideas. In the East change is limited by the simplicity and directness of the outlook; man searches for his interests in himself

As Hazlitt observes: "Man is the only animal that laughs and weeps, for he is the only animal that is struck with the difference between what things are and what they ought to be." The man of the East, says Sir Bampfylde Fuller, not only observes this but accepts it as a finality. He accepts his environment as he accepts death itself; as a thing over which he has little control. According to his theory of life, nature should be propitiated, not controlled. His attitude toward his physical environment is thus passive, while in the West, the conflict with nature is regarded as the most interesting if not the noblest in which man can engage.

The Oriental regards evil as being indissolubly connected with the world. He is content that his growth shall be cramped by his physical surroundings; he never attempts to adapt his surroundings to his desires. The passive acceptance of environment means crystallization into immobility; the struggle for change means constant development.

In fact, the extent to which the people of the East are dissatisfied with their physical surroundings and conscious of a will to change the same is the measure of their progress toward modernism. And here is where the Filipino has advanced beyond the Chinese, or any other Oriental people but the Japanese. The great physical changes which have taken place in India, Egypt and China, have been affected very largely, if not entirely, on the initiative of Europeans. In the Philippines, more rapid progress in this respect has been made than in any other part of the East, and in the work the Filipinos have not only willingly furnished the necessary money, but also a share of the initiative and active direction of the work.

Before the coming of the Americans two attempts at systematic classification of the natives of the Archipelago had been made; one by Blumentritt in 1890, and the other by the Jesuits.<sup>6</sup> The former was published in the *Zeitschrift der Gesellschaft für Erdkunde zu Berlin*, and in a translation by the Smithsonian Institution in 1899. The work of the Jesuit Fathers formed the basis of the elaborate *Atlas of the Philippines* prepared by Father José Algúe and published by the United States Coast and Geodetic Survey. More recent investigations under the direction of the government of the Philippines have greatly reduced the number of tribes. In this way the eighty-two tribes of Blumentritt and the sixty-seven tribes of the Jesuits have been reduced to twenty-seven, including the seven groups of Christianized people.

Who are the people of the Philippines? Numerous theories, many of them very fanciful, have been advanced as to their origin, but the authorities now very generally agree that with the exception of the Negritos, they are all of Malayan stock.

For administrative purposes the Spaniards divided the natives into Christians, non-Christians and Moros, and this classification has been retained by the American government. It is needless to say that the classification is not determined entirely by theological considerations. The Christians include the seven groups of people who are properly known as Filipinos, who inhabit the Christian provinces and are subject to the legislative power of the Philippine legislature. The Moros are the Mohammedans who make up the mass of the population of the southern islands.

The non-Christians, including the wild men and the Moros, constitute approximately one-eighth of the population of about nine million and are scattered over about one-half of the territory.

According to race and origin, the people fall into two groups, the Malays and the aborigines.<sup>7</sup> The former include the Filipinos,

<sup>6</sup> See *Rept. (Schurman) Phil. Com. (1900)*, III, p. 330.

<sup>7</sup> Certain people who are found in the vicinity of the Gulf of Davao and Mount Apo in eastern Mindanao have been classified by Montano and others as Indonesians. For a time this designation was generally accepted. See

Moros and wild men, distinguished by religion and different stages of development; the latter are the few Negritos who still linger superfluous on the stage. We find then (1) the Negritos; (2) the wild men;<sup>8</sup> the *Atas*, *Bagobos*, *Bilanes*, *Bukidnons*, *Bulanganes*, *Guiangas*, *Ifugaos*, *Igorots* of Benguet, Lepanto and Amburayan, *Igorots* of Bontoc, *Kalingas*, *Ilongots*, *Katabaganes*, *Mandayas*, *Manguaguans*, *Mangyans*, *Manobos*, *Monteses* (wild people other than Negritos who inhabit the mountain regions of Panay and Negros), *Tingians*; (3) the Moros, and (4) the Filipinos, who include *Visayans*, *Bicols*, *Tagalogs*, *Pampangos*, *Pangasinanes*, *Ilocanos* and *Ibangs*.

The Negritos, known in different parts of the islands as Abunlon, Aetas, Balugas, Buquiles, Dumagats and Bataks, are generally considered as the aborigines of the Philippines. They "are racially distinct from all the other people inhabiting the Archipelago which have not intermarried with them." "The number of problems presented to the ethnologist by these little people," says Professor Jenks,<sup>9</sup> "is almost bewildering. What place have they in the evolution of man? Their identity with the Sakais of the Malay Peninsula and the Mincopie of the Andaman Islands is almost certain; but what is their relation to those other pygmies—the long-headed dwarfs of Central Africa? And further, what may be their connection with the true negro race of Melanesia, almost contiguous to them? The geographic distribution of the Negrito is such that it must be concluded that at one time they were the sole possessors of the Philippine Archipelago."

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*Rept. (Schurman) Phil. Com. (1900), III, p. 352. German writers, including Blumentritt, ignore it, and Jenks believes that it will disappear. Keane, a recent English writer, not only accepts it, but includes therein the mountain tribes of northern Luzon.*

The people who have been included under this name are probably physically superior to all other races in the Philippines. Some of them are quite tall, are well developed, have high foreheads, narrow aquiline noses, wavy hair, and often abundant beards. They are much lighter in color than any other natives of the islands. Many are clever and intelligent, and all are pagans.

<sup>8</sup> See Worcester, "Head-Hunters of Northern Luzon," *Nat. Geog. Mag.*, Sept., 1912; "The Non-Christian People of the Philippine Islands," *Nat. Geog. Mag.*, Nov., 1913; *Ann. Rept. Gov. Moro Province*, 1913, p. 76.

<sup>9</sup> *Native Races, Official Handbook*, p. 156.



Recent investigations by the Ethnological Survey have shown their presence in several hitherto unrecorded regions. "It is probable," says Mr. D. C. Worcester,<sup>10</sup> "that they originally occupied every island of any size in the group; but at present they occur only in northeast Mindanao, Samar, central Negros, central Panay, north central Palawan, a few isolated points in southern Luzon, the mountains of Bataan, and Zambales, where they are relatively numerous; Abra, where there remain but a few individuals of mixed descent; Apayao, Cagayan, Isabela and Tayabas. The great forested and almost unexplored area extending from the northernmost point of Luzon to the vicinity of Casiguran and Baler is to-day the one remaining Negrito stronghold and in many parts of this region it is quite impossible to get into touch with them for they flee at the approach of strangers."

The Negritos are among the smallest people of the group. Although their color and hair are negroid, they have neither the small facial angle and large cranio-facial angle, nor the long head of the African and Malanesian. They are true savages. They have no villages, no permanent houses. About A. D. 1250, Chao Ju-Kuo, a Chinese geographer,<sup>11</sup> wrote of them: "They build their nests in the tree tops and in each nest lives a family, which only consists of from three to five persons. They travel about in the densest thickets of the forests, and without being seen themselves, shoot their arrows at the passer-by. For this reason they are much feared. If the trader throws them a small porcelain bowl they will stoop down to catch it and then run away with it, shouting joyfully."

Their characteristics have not greatly changed since that time. They still wander through the mountains in small groups of a few families each. They are fleet of foot and travel with great speed. Fish, roots, fruit, rice, and the products of the chase constitute their principal food. Their usual weapons are a lance of

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<sup>10</sup> "The Non-Christian People of the Philippines," *Nat. Geog. Mag.*, Nov., 1913. See Meyer, *Distribution of Negritos* (1899), Reed, *Negritos of Zambales* (1904), Chap. 1, and particularly p. 14, note 2, where the authorities are collected; Wallaston, *Pigmies and Papuans* (1912), Appendix B, p. 303.

<sup>11</sup> B. & R., XXXIV, p. 183.

bamboo and a quiver of poisoned arrows which are used with deadly effect. They have some knowledge of agriculture, but it does not extend much beyond scratching the earth with a stick, throwing in the seed, and trusting nature for the result. They use as ornaments, bamboo combs, feather head-dresses, rings, and bracelets of brass or copper, and braided leg bands of hog bristles. They scarify the body, and the scars are their most highly prized adornments. For household utensils they use cocoanut cups or seashells. Their trade consists in exchanging certain forest products for rice, tobacco and trinkets with the inhabitants of neighboring places. There are probably twenty-five thousand of these people left. The best opinion is that they are incapable of civilization, and that they will disappear.

"The paths are rough, the trails are blind,  
The Jungle People tread;  
The yams are scarce and hard to find  
With which our folks are fed.

We suffer yet a little space  
Until we pass away,  
The relics of an ancient race  
That ne'er has had its day."<sup>12</sup>

It is now generally conceded that the various tribes and people of the Archipelago other than the Negritos are of Malayan ancestry. But Malay as a descriptive term is not very definite. "We are not wise enough," says Le Roy, "to say just who or what the Malay is. He is the typical brown man of the Asiatic Seas and their confines, and the name brings to mind, because of the faithful labor of English descriptive and scientific writers, dealing with the regions lying southwestward of the Philippines, a water man par-excellence; a pirate through a mixture of enterprise and of an indisposition for effective political organization in law and order on any general scale, and more commonly a Mohammedan on whom the tenets of that re-

<sup>12</sup> *The Song of the Last Semangs*, by Hugh Clifford.  
In the Malay Peninsula the Negritos are called Semangs.

ligion lie much more lightly than they do further westward toward the spiritual center of that faith."<sup>13</sup>

These people are supposed to have come to the Archipelago in three waves. Long before the arrival of the Portuguese, in the Southwest, in their little sharp-prowed and out-rigged water craft, they pushed their way from island to island until they reached the Philippines. The earliest wave probably extended even to the north of Luzon, Formosa and Japan. These early comers have been called pre-Malays. They were no doubt followed by others of the same kind, who, having been for a long period subjected to certain influences, were more advanced in civilization than their predecessors. There is a Sanscrit element in their language which suggests the time when their ancestors were subjected to the influence of the Buddhists, who came from India, and for generations ruled Java and the neighboring islands. When the Spaniards arrived, the Malays who represented this second wave were considerably more advanced than the people of the hills and forests.

A last wave carried the Mohammedan Malays, who became known as Moros. Being warlike and virile, they soon proselyted their predecessors in the southern islands and even succeeded in making a Mohammedan city of Manila.

Properly to describe and distinguish the various tribes of wild men who are supposed to represent the first arrivals would require a volume and the expert knowledge of the specialist. A brief reference to a few of the leading tribes and their characteristics must suffice.

In the south the Bagobos, Manobos, Mandayas and the Bukidnons invite special attention.<sup>14</sup> The Bagobos, of whom there are at least twenty-five thousand, are a fairly strong and good sized people who live in the Davao hinterland, near Mount Apo. Their dress is made of a cloth woven of dyed hemp fiber, elaborately

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<sup>13</sup> Le Roy, *The Philippine People*, p. 19.

<sup>14</sup> The last report of the governor of the Moro Province (1913) gives the number of pagans in the province as 103,358, distributed as follows: Subanons, 35,000; Mandayas, 16,500; Bilanes, 8,114; Manobos, 10,545; Bagobos, 25,500; Tirurays, 4,435; Atas, 3,264.

ornamented with bead and mother-of-pearl work. Their war-knives are carried in curious double-pointed sheaths ornamented with bead work and horsehair plumes. They live in small villages ruled over by chiefs called *datus*. They occasionally indulge in human sacrifice.<sup>15</sup>

The Manobos occupy the lower Aguson Valley and a few other parts of Mindanao. Many of them, like the Negritos, live in houses built in the treetops. Like the Bagobos, they are fond of music and dancing. The passion is still strong for what they call *mangayaos*—killing expeditions. The Mandayas live about the upper waters of the Aguson River and along the east coast of Mindanao. The Jesuits described their complexion as “ashy gray.” Men and women wear their hair long. They are skilled metal workers, good fighters and experienced slavers.

The Bukidnons, of whom there are about thirty thousand, are a very promising people who inhabit the subprovince of the same name in northern Mindanao. They “are naturally a peaceful and very industrious agricultural people, but in self-defense have been compelled to stand off the neighboring more warlike tribes of the interior and their Christian Filipino neighbors as well.”<sup>16</sup> They are making considerable progress in the ways of civilized life. Nearly all the Bukidnon villages have “well attended schools and are connected with telephone lines which are freely used. The people are converting their beautiful and naturally fertile country into a checkerboard, with roads and trails for dividing lines. They are giving up their picturesque native costumes so rapidly that typical native garments are even now hard to obtain.”<sup>17</sup>

In the north the most important are the Igorots, Ifugaos, Ilongots, Kalingas and Tingians. The Ifugaos to the number of one hundred twenty-five thousand live in the central part of northern Luzon. They are warlike and in times past were famous head-hunters. They seem to be natural stonemasons and

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<sup>15</sup> See *The Wild Tribes of the Davao District*, by Fay-Cooper Cole, Pub. Field Museum, 1913.

<sup>16</sup> Worcester, “Non-Christian People of the Philippines,” *Nat. Geog. Mag.*, Nov., 1913, p. 1160.

<sup>17</sup> *Ibid.*, p. 1193.

have constructed marvelous terraces with walls of dry stone on the steep mountainsides on which the growing rice is irrigated by water brought in ditches.<sup>18</sup> They are very good farmers, raising rice, beans, onions, gabi and some cotton on their terraces. They have pigs and chickens, but no cattle. Their table manners are said to be superior to those of their neighbors, as each person, be he ever so poor, carries a wooden spoon. They are now very friendly to the Americans and under their direction are building roads, trails and substantial buildings. They have furnished recruits for a company of constabulary, who are excellent soldiers and expert marksmen.

The Ilongots, who occupy a part of the province of Nueva Viscaya, number about six thousand. They are of a rather low order and have not made much progress.

The Kalingas, to the number of about seventy thousand, live in north central Luzon. They are a good-sized, well-developed, cleanly people and famous for the gaudiness of their dress. They have been inveterate head-hunters, but their crimes of violence are now comparatively rare. They are kindly disposed toward the Americans, who travel with safety through all parts of their country.

The Tingians may be divided into civilized and uncivilized. The former, in number about fourteen thousand, live mostly in the province of Abra. Naturally pacific, they are industrious farmers. They "are a kindly gentle people, and the immaculate cleanliness of their persons and of their homes promptly commend them to the average American."

The wild Tingians, numbering probably fifty thousand, live in the subprovince of Apayao. They are inveterate head-hunters and, like the Igorot, are very fond of dog as an article of diet. They have been only partially brought under government control.

The Igorots are the best known of all the wild men, as they live in the vicinity of the summer capital. They fall into two groups, one living in Bontoc and the other in the provinces of Benguet, Lepanto and Amburayan. There are about eighty-nine

<sup>18</sup> See the pictures in *Nat. Geog. Mag.*, Sept., 1912.

thousand of the latter and seventy-six thousand of the former. They are a vigorous people addicted very generally to labor and truth telling. A few of them have accumulated considerable wealth. They are peaceful industrious agriculturists who generally have a hard time to make extremes meet. From miles about they come to the Baguio market, marching in single file with huge baskets on their heads, laden with camotes and other products of their poor farms. Like the Bontoc Igorots and Ifugaos, they terrace the mountainside for rice fields. The men wear no superfluous clothing but the women ordinarily keep their bodies fully clothed. The Benguet Igorots alone keep horses. The types of house run all the way from grass huts to good modern structures with galvanized iron roofs and American furniture. The Benguet and Lepanto Igorots are the only native miners in the islands. They have never been head-hunters. Many of the children are now attending school and some of the young men are able to serve as town treasurers and secretaries.

The Bontoc Igorots are a strong warlike tribe of head-hunters who have shown much capacity for development.<sup>19</sup> They live in large villages, and depend on their fighting men for protection. The villages are divided into wards, in each of which there are club-houses in which live apart the unmarried of each sex. They have an interesting system of trial marriages. In building rice terraces they are excelled by the Ifugaos only. They manufacture head axes, earthen ware, salt, cotton blankets, and other articles. The Igorots, like the Ifugaos, are spirit worshipers.

The patient and tactful work of the American administrators with the non-Christian tribes is beginning to produce appreciable results. They have succeeded in getting into sympathetic relations with them and satisfying them of their desire to deal justly and improve their hard conditions. The Spaniards never to any great extent pacified or conquered the mountain people. To the Filipinos of the low lands the mountains were ever the abiding

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<sup>19</sup> For a special study of these people, see "The Bontoc Igorot," by Dr. A. E. Jenks, *Phil. Ethog. Survey Pubs.*, Vol. I.

place of mystery and death; the unsafe refuge of the man who for crime or misconduct had been driven out of the community.

Along the foothills there was of course some mingling of the people. Occasionally the wild man ventured down in search of work to earn a few pesos with which to eke out the products of his rocky abiding place. Occasionally he ventured plainward to the market, where he was carefully and skilfully cheated out of his property. In return the Filipino, who with misplaced confidence fled to the mountains to escape the *Guardia Civil*, the taskmaster, or simply from the almost equally dreaded necessity for labor, was very fortunate if he did not lose his head.

The ancient custom of head-hunting has been generally abandoned, and the number of heads now taken within a year is probably less than the number of murders committed among the same number of people in many civilized communities. If head-hunting were as effective, as a means to desirable ends, as it was supposed to be, these people might almost have been justified in their practises. Marriage, abundant harvests, bravery and manliness, exultation in the minds of descendants, increased wealth, abundance of game and fish, general health and activity, favor at the hands of women, slaves in the future life, and many other desirable things were supposed to come to the successful taker of heads.<sup>20</sup> To some extent head-hunting was looked on as a game in which the young men satisfied their sportsmanlike instincts and won a reputation for skill and courage. In the autumn after the crops were gathered, the lusty young men required amusement and an opportunity to display their prowess. The maidens turned their eyes away from the brave who had no trophy to his credit. The specimens which ornamented the doorway or front yard of the elders as do the antlered trophies the civilized hunter's hallway, shamed them. A head ax was sent to a neighboring village, and if the challenge was accepted the game was on. And the game was to take and carry away the

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<sup>20</sup> See Worcester, "Head-Hunters of Northern Luzon," *Nat. Geog. Mag.*, Sept., 1912; Roth, *Natives of Sarawak and North Borneo*, Vol. I, p. 163; Goames, *The Diaks of Borneo*; Jenks, *The Bontoc Igorot*, Chap. 6.

heads of their competitors. There was no malice, or at least, no more than between two rival American colleges. When a reasonable number of heads had been taken, the game was called off until another season.

The individual who needed a head to qualify for some situation was sometimes forced to resort to methods which were not approved by the community. A young woman scorned the hand of a suitor who was trophyless, and in desperation he left the home village vowing not to return without a head taken under circumstances which would establish his prowess. The next morning he returned with a trophy and was received with favor. He told a hairlifting story of how in the dead of night he had crawled into a village and from the midst of his sleeping enemies brought away a head—of a woman to be sure, but in the game a head is a head. And so they were married. But alas! the truth came out. The hero was no hero. He had not gone bravely into danger; he had merely met his own grandmother near the home village and taken the old lady's head.

The village turned against him. His wife could not forgive the deception. The young man was driven forth. The natural inference would be that he was censured for killing his grandparent, but that would be an error. That circumstance was regarded as a mere incident. It was recognized as bad form, but the head and front of his offending was in lying about the risks he had encountered. Neither was taking the head of his grandmother considered as involving sufficient danger to justify the reputation for heroism upon which he had won a bride.

Thus it all depends upon the point of view. The Igorot has his own code of morals. He attaches little importance to human life, but his pledged word is sacred. A few years ago, four Igorots, Laoyan, Guay, Dalocdoc and Udcusan, ventured into the valley and solicited work from a Filipino planter named Rufino Ancheta and were informed that there was no work available. But, said Ancheta, just beyond the river lies my cousin Tiburcio, who is in possession of a farm which by right should be mine. He has a carabao and in his house are forty



pesos in silver. Go and kill my cousin, and you shall divide the pesos and the carabao, and I shall secure the farm. "Beside all that," testified Laoyan, "Rufino Ancheta said that Tiburcio was the son of one hundred fathers; and then he gave us five chickens and we found out from the galls that it was all right; that it was a good time to kill a man." And so the contract was made.

The following day the Igorots returned and explained that they had visited Tiburcio but found him sitting with his back to the wall within easy reach of an effective-looking bolo. The occasion not being propitious, they came away and asked to be released from the agreement. "Why did you eat my chickens if you are not going to do what I told you to do?" asked the indignant employer, and he ordered them to return and kill Tiburcio, which they did and received their reward. In time the Igorots were convicted of murder. The story told by them in court reads like a chapter from some ancient chronicle, and is extremely interesting as an illustration of the wild man's code of morals. Being asked why they returned and killed the man, Udcusan replied that it was because they had agreed to do so. The prosecuting attorney asked, "Suppose you had been told to kill me, would you do so?" "Certainly, if we had agreed to do so. We would have to keep our word."<sup>21</sup>

But the old customs are beginning to disappear. The wild men have learned that civilization has material advantages which appeal to them. Life has been hard with them. The mountainsides are not very productive. The white man pays good wages, and the Igorots live in a temperate climate and are willing workers. Many now work on the streets and other public works in Baguio and carry their scanty products and manufactures over weary miles to the city market. During one year nearly two thousand of them worked for good wages on a railway which was being constructed into their country.

Remarkable work is being accomplished by the health authorities through the hospitals that are being established in the mountains as rapidly as money for the purpose is available. At first it

<sup>21</sup> U. S. *vs.* Ancheta, 15 Ph. Rep. 470.

was difficult to induce the people to submit to medical treatment. In the old school-book we used to read of the poor dog who, after having his broken leg repaired by the kind-hearted surgeon, returned the next day bringing with him a canine friend who had met with a similar accident. When a hospital was first established among the wild people, the doctor induced an Igorot who was suffering from a very serious disease to submit himself for treatment. The man rapidly improved, but one night he disappeared, and the doctor mourned the loss of the patient, whom he had hoped to use as an example. But after about a week the lost patient returned, bringing with him a startling collection of lame, blind and halt specimens of humanity which he had picked up among the mountains.

Among the things which contact with civilization is eliminating is the Igorot's appetite for dog; not nice fat dog, but lean curs of the commonest back-yard variety. Once a week that part of the Baguio market assigned to natives is crowded with yelping curs brought from the lowlands to sell to the Igorots. During the night preceding market day the roads diverging on Baguio are alive with packs of dogs so tied together as to prevent them from biting their drivers. To one who, in a less literal sense, is fond of dogs, it is rather a pitiful sight to see them on the way to the sacrifice. But after all, it is merely a matter of taste and training. If you have a taste for dog, there seems to be no reason in the nature of things why you should not eat dog, and a dog has no more inherent right to be immune from being eaten than a lamb or any other animal. But it is said that the Igorots who visit Baguio are beginning to sense the fact that among white people it is considered not quite the proper thing to use dogs for food.

Many of the Igorot boys are attending school, and some of them do good work in the trade schools. They make good servants and readily adapt themselves to the habits of civilized Filipinos. But the Igorot has one very strong prejudice. He will wear a coat, a high collar, a silk hat, and a red necktie even, but only force or moral intimidation can induce him to wear the

trousers of civilization. My first sight of a Christian Igorot boy, with sack-coat, breech-clout, standing collar, brilliant neck-tie and smoothly combed hair, but without the rest of the apparel usually considered proper for a complete gentleman, passing the plate in Bishop Brent's church at Baguio, will long be remembered. The constabulary soldiers recruited from the wild people wear all the uniform except the trousers, in lieu of which they wear the gee-string and a heavy copper bracelet just above the ankles.

This disinclination to wear clothes led to an amusing incident at the Exposition in Manila. It was arranged that each province should have a certain section in which to exhibit its manufacturing processes. Some of the wild people manufacture very useful and attractive articles, and it was decided that a number of these workmen should be brought to the fair. The Filipinos are very sensitive about the appearance of the wild people in public, as they believe they are a reflection upon the "culture" of the population generally. When it became known that the tribesmen were to be at the Exposition, a protest was filed against what they feared would be a shocking exhibition of wild men without modern clothing. The governor-general was induced to issue an order that all the strangers should wear pajamas, and these useful articles were duly supplied at public expense. It was like clothing the statuary in an art museum. The stalwart bronzed men accustomed to go clad only in a breech-clout, known locally as a gee-string, were each furnished with a pair of striped trousers. In the mountains, they always travel in single file, and on their first appearance in public at the Exhibition, about fifty of them started to walk solemnly along, each observing the proprieties by carrying his trousers carefully folded over his left arm.

The wild people of the mountains and the Mohammedans of the south are extremely picturesque and much more interesting to travelers than the ordinary so-called Christian Filipinos. The average person feels about as did the English traveler who on seeking official assistance in traveling about the islands said, "I want particularly to meet your interesting wild tribes. The

Christians I care little about." This perfectly natural feeling has been catered to by writers, lecturers and showmen. An ordinary citizen of Manila, Dagupan, or Loag, clothed like an American or Englishman, spending his days in merchandising, practising a profession, superintending the operation of a farm, editing a newspaper, or running for the Legislature, is far less interesting than an Igorot statue in bronze, enveloped in the restricted folds of a highly-colored gee-string, with an ambiguous reputation for eating dog and gathering sporting trophies from among the heads of his neighbors. A game of baseball in which this kind of native dives skilfully to base between the legs of an athletically inclined governor-general amply justifies a magazine article. But there is no such inspiring publicity for patient Juan de la Cruz, who toils in the rice paddy or sugar field. He and his kind are very prosaic, and as material for a lantern slide it must be conceded that the wild man is much his superior. The Igorots have been so frequently exhibited at world's fairs and other such places that many people in the United States and Europe understand that they are fair samples of the Filipinos who are so vociferously asserting their capacity for self-government, and crying for independence.

The Moros, because of their religion and peculiar characteristics, and the Igorots and other wild men, because of their picturesqueness, have thus possibly absorbed more than their share of public attention.

The picturesque eighth of the inhabitants, who are known collectively as non-Christians, have not advanced much beyond the condition of savagery. They represent a very low stage of culture and have shown little, if any, capacity for development from within. What impulse for improvement they have felt has come from without and a few of them have responded in a way which is very encouraging. The government of the wild people, with the exception of the Moros, is a comparatively simple matter, as they are entirely free from the ambitions and aspirations which complicate conditions in the Christianized provinces. The real difficulty has been to gain their confidence, and this has been

accomplished by a policy of nicely adjusted firmness and gentleness. The simplest forms of government only have been introduced among them for the purpose of establishing order and opening the country by the construction of roads and trails. The beginning of an educational system has been made and the conditions under which the people live have been greatly improved.

The other seven-eighths of the inhabitants of the Archipelago, who are known as Filipinos, occupy substantially all the cultivated parts of the country north of Mindanao. They now number about eight millions and represent nearly every stage of race culture. They are divided into seven groups, commonly called tribes, the Tagalogs, Visayans, Bicol, Ilocanos, Pampangos, Pangasines and Ibangs. They are, however, developed far beyond the stage to which the word tribe applies. Indeed, the use of the word in this connection suggests the character in one of Anthony Trollop's novels of English clerical life who divided all people into "Methodists, Baptists and other savage tribes."

The Tagalogs and Visayans constitute the majority of the civilized Filipinos. The former occupy the central part of Luzon; the latter, Cebu, Panay, Negros, and the other islands of the central group. The Ilocanos live along the northwest coast of Luzon; the Pampangos and Pangasines on the great plains between Manila and the Gulf of Lingayan; the Bicol in the extreme south of Luzon; and the Ibangs in the Cagayan Valley in the northeast of Luzon.

These people speak different dialects and have many different habits, customs and characteristics, but their lack of homogeneity has been greatly exaggerated. The things in which they are alike are much more vital and important than those in which they differ. The former are racial characteristics, and the latter the result of isolation and environment. They are all Malays with typical Malayan traits. When the Spaniards arrived, they found them occupying the coast line plains and valleys, having

driven their predecessors into the mountains. At that time they numbered about six hundred fifty thousand and have thus multiplied about fourteen times in three centuries.

Recent investigations have reduced the dialects which are spoken by the Filipinos from sixty to sixteen, and these contain so many common words as to suggest their development from a common ancestral language. While differing widely in their vocabularies, they have a common Malayan origin and a uniform structural basis. Early contact with the Hindu civilization which once flourished in Java and built the marvelous temples which may yet be seen in the midst of the tropical jungles, left a mark upon the language. It is probable that it was from this source that the people who came with the last wave of emigration acquired their knowledge, such as it was, of writing and the other arts which elevated them above the people of their own race that they drove into the mountains.

Once established in the Philippines, the Malays seem to have lost their roving habits and acquired the strong attachment for place which is such a noted characteristic of the present people. Pocketed in particular localities with water or mountain boundaries, they soon became strangers and the enemies of their neighbors. The natural order of development was inverted. Local life was petty, intensive and ingrown. No large political life was developed. Neither the Tagalogs nor Visayans were ever organized as a political unit. Each represented merely a certain number of people who spoke a common dialect, occupied contiguous territory and had a sort of community feeling of superiority over their neighbors. The *barangay* was the most important political body which the Filipinos were ever able to develop. Each cell of what normally should have united into a body politic continued to live its own insignificant life. Nothing was united, nothing coordinated. Living thus in almost complete isolation, each little community developed local peculiarities and added local words to its dialect.

This inability to form political combinations and thus influence and control large masses of men seems to be an inherent weakness

of the Malay character. The people of the Malay Peninsula, Sumatra, Java, Borneo and the islands to the west have never united in any great numbers for the pursuit of a common political aim and never at all, except when dominated by a religious motive such as is supplied by Islamism. In the Philippines only the Moros ever recognized allegiance to a chief of more than local importance. In 1565 the royal officers at Cebu wrote to Philip II that the natives "recognize no ruler, therefore if their chiefs try to force them they will do nothing else than go to another island." According to Andres de Mirandaola they were "a race who lived without any respect for rulers." In 1569 Martin de Rada wrote to the viceroy of *Nueva España* that the people of the Philippines had no king or sovereign and were a race "the most arrogant that was ever seen and the slaves were the freest that can be imagined for they do only what they wish."<sup>22</sup> Such a people without organization could offer no effective resistance to the Spaniards.

A great deal has been written about the customs, manners, superstitions and characteristics of the Filipinos. Scientists, travelers, officials civil and military, churchmen, old residents and casual tourists have published the results of their observations. Since the American occupation many such books and articles have appeared, written by travelers, soldiers, sailors and newspaper men—a few carefully and conscientiously prepared, but the greater number apparently the work of the impressionist or cubist schools.

Notwithstanding the influence of the Spaniards and the Christian religion, it is remarkable how little the Filipinos have changed during the time from the arrival of the Spaniards in 1560 until their departure in 1898. The ordinary Filipino of pure blood seems to have retained nearly all of his racial characteristics. The old savage customs have been abandoned, but the writings of the early narrators, such as Pigafetta and Morga, describe very accurately the provincial people of to-day. It is

<sup>22</sup> B & R., XXXIV, pp. 201, 214.

only during the last decade that any radical changes have become apparent.

The conflicting opinions expressed by travelers and residents as to the merits and demerits of the Filipinos are remarkable. The value of the narratives are determined not so much by the date of publication as by the relation in which the writers stood to the country and its people. The Spanish officials were almost always contemptuous, patronizing and depreciatory of the Indians. Disinterested travelers generally extolled their good qualities. The friars, while not indiscriminate in their praise, were generally kindly and appreciative until they became the objects of political attack. Thereafter they were bitter and denunciatory. The value of modern estimates depends almost entirely upon the personal equation and the political predilections of the writers. The party in the United States that has constantly opposed the Philippine policy of the government has drawn the picture of the Filipinos in very high colors, and some of the books published have not been entirely honest. The Filipinos painted by these writers are not recognized by Americans or Europeans who have dealt with and worked among the real people. The estimates of foreigners like Blumentritt, whose personal observations were confined to a few choice specimens of the race like Rizal and the Lunas, are often grotesquely erroneous. Nor are the statements of those who have systematically written the people down for political effect or because of race prejudice entitled to any greater respect.

In the midst of it all the Filipinos, who are really pretty fair ordinary specimens of mankind, have fared rather badly. From authentic writings it is easy to prove that they are totally incomprehensible people who will fit any description whatever, between ignorance and enlightenment, intellectual capacity or incapacity, virtue and vice, treachery and fidelity, cowardice and courage, lying and truthfulness, the thief and the honest man.

It must be conceded that the Filipinos are not easy to understand, and it is not surprising that even honest observers have



reached different conclusions as to their character. "Dealing with such an enigma," says Foreman,<sup>23</sup> "the most eminent physiognomists would surely differ in their speculations regarding the Philippine native of the present day. That Catonian figure, with placid countenance and solemn gravity of feature, would readily deceive any one as to the true mental organism within."

The first description of the Filipinos is found in a narrative written by the Chinese geographer, Chao Ju-Kuo, about the year 1250. He gives a very favorable account of the inhabitants of Ma-yi [the Chinese name for Luzon], particularly of their honesty. The Chinese traders he wrote deliver their goods to the Indians "and although the bearers are often unknown, none of the goods are ever lost or stolen. The savage traders carry these goods to other islands, and then nine or ten months pass until they have obtained other goods of value equivalent to those that have been received."<sup>24</sup>

For three hundred years thereafter we have no record of what occurred in the Philippines. The Venetian Pigafetta, in his narrative of Magellan's expedition, described the habits, customs and modes of living of the people of the central islands with considerable minuteness. His description of the native houses is as applicable to-day as it was in 1560. From the way the Indians handled their rude instruments Pigafetta was convinced that they possessed musical ability. He also found that they loved ease and quiet and to live in accordance with justice. The custom of cockfighting was already well established.

An invader and conqueror seldom has a good opinion of a conquered people who fail to show gratitude and consideration for their conqueror. Legaspi, after having been in the Philippines four years, reached the conclusion that the natives were "a crafty and treacherous race and understand everything . . . They are naturally of a cowardly disposition and distrustful, and if one has treated them ill *they will never come back*. . . . They are a people extremely vicious, untruthful,

<sup>23</sup> *The Philippine Islands*, p. 167.

<sup>24</sup> B. & R., XXXIV, p. 183.

and full of other superstitions. No law binds relative to relative, parent to children, or brother to brother. No person favors another unless it is to his own interest. On the other hand, if a man in some time of need shelters a relative or a brother in his house, supports him and provides him with food for a few days, he will consider that relative as his slave from that time on, and is served by him."

Martin de Roda, who was a companion of Legaspi, was of the opinion that the natives other than Moros could easily be converted, because they were "rather like monkeys, very desirous of imitating our dress, speech and other peculiarities."

Francisco de Sande, who was governor from 1575 to 1580, wrote to Philip IV that the natives "were greatly addicted to licentiousness and drunkenness. They are all usurers, lending money for interest, and go even to the point of making slaves of their debtors, which is the usual way of obtaining slaves. . . . They do not understand any kind of work unless it be to do something actually necessary, such as to build their houses, which are made of stakes after their fashion, to fish according to their methods, to row and perform the duties of sailors, and to cultivate the land. . . . The natives are all very idle. . . . Nevertheless, all know how to raise cotton and silk, and everywhere they know how to spin and weave for clothing. They are," he adds, "afflicted by no poverty and only seek to kill one another, considering it a great triumph to cut off one another's heads and take captives."<sup>25</sup>

In Antonio de Morga's book on the Philippine Islands, published in 1609, the inhabitants of the southern part of Luzon were said to be "of a clever disposition for anything they undertake, sharp and choleric, and resolute."

The Augustinian friar, Caspar de San Augustin, who wrote one hundred years after Morga, had a very poor opinion of the natives. He regarded them as generally inconstant, distrustful, malicious, sleepy, idle, timid, envious, ill-bred and impertinent. As servants "in convents and houses, they break

<sup>25</sup> This evidently refers to the mountain people.

enough plates to ruin their masters." They were bold and insolent even to the extent of demanding one hundred dollars for four eggs. It mattered little, however, as "they are just as well pleased when they fail as when they succeed." They showed great indifference to danger and would not "move out of the way of a restive horse, nor if in a small boat give place to a large one. In the river if they see crocodiles approaching they take no notice and adopt no precautions." Worst of all, they did "not object to rob Spaniards, not even the ministers of religion."

Exactly a century later another Augustinian friar, Joaquin Martinez de Zuñiga, wrote that the Indians the Spaniards found in the islands "all possessed some description of government, better or worse, and each nation was distinguished by a different name; but a similarity of their dress and manners proves that the origin of all of them is the same."

Writing in 1820, Tomas de Comyn expressed the opinion that the natives were credulous, superstitious, cunning, of weak capacities, addicted to robbery, piracy, acts of private and public revenge, fond of external show and pomp, and of a very litigious spirit. He attributed these social defects largely to their ignorance, want of civilization, the bad administration of justice and the defective system of government under which they lived.

Dr. Paul de la Gironiere, a French surgeon who lived in the Philippines for twenty years, wrote a very discriminating account of the people, particularly of the Tagalogs. In his opinion they could be ruled only by strict justice and judicious severity. They are great children and should be trained as such. The Indian's hospitality is unselfish and disinterested. The stranger who enters his cabin at mealtime is sure of an invitation to a seat at the board. When an old man who can no longer work finds himself destitute he takes up his quarters in a neighbor's house, where he is free to remain until his death. The Tagal, as described in 1854, "is gay and pleasant. He is very fond of music and dancing; he is ardent in love, cruel with his enemies, and revenges himself with the poniard, which, like the kris with the Malays, is his favorite weapon. He keeps his word, is passion-

ately fond of gambling, is a good husband and father, jealous of the honor of his wife, but careless of that of his daughters, whose youthful errors in no way prevent their finding husbands. His sobriety is admirable. Water, a little rice, and salt fish, satisfy him. He venerates old age. In a family, at all periods of life, the younger obey the older." Elsewhere the same writer says: "The moral portrait of these natives of the Philippines is curious to sketch, still more curious to read. The Indian keeps his word, and is yet a liar; anger he holds in horror, comparing it to madness and deeming it worse than drunkenness, which he nevertheless despises. To avenge an injury he scruples not to use his dagger; what he will least support is abuse, even when deserved. You may flog him when he has committed a fault and he will not complain, but at hard words he is indignant. He is brave, generous, a fatalist. The life of a robber pleases him by reason of its liberty and excitement, not on account of the wealth he may acquire by leading it. . . . They dislike cowards and readily attach themselves to the man who is brave enough to court danger. Their ruling passion is play. They are fond of fights between animals, especially cockfights."

An English merchant named Robert MacMicking wrote in 1851 that "the native Indians appear to have a good ear for music and execute many of the finest operas with spirit and taste. . . . They appear to possess a superior degree of vigor or freshness of mind to those born in Europe or in old and thickly inhabited countries." He found in the character of the natives many good points, the most noticeable being "their hospitality, good nature and bonhommie." They "never appeared as aggressors; and it has only been when the white men, despising their dark skins, have ventured on unjustifiable conduct, that I have heard of their hands being raised to avenge it. When they know that they are in the wrong, however, should the harshest measures be used toward them, I have never known or heard of their having had recourse to the knife, and I have frequently seen them suffer very severe bodily chastisement for very slight causes of offense. They are easily kept in order by gen-

tleness, but have spirit enough to resent ill treatment if undeserved. Their general character is that of a good-natured and merry people, strongly disposed to enjoy the present and caring little for the future."

Jagor wrote that, "They imitate everything that passes before their eyes without possessing the intelligence to appreciate it. It is this which makes both themselves and their artistic productions wearisome, devoid of character and, I may add, unnatural, in spite of the skill and patience they devote to them. These two peculiarities, moreover, are invariably to be found amongst nations whose civilization is but little developed."

Sir John Bowring, who visited the Philippines in 1858, found that the natives were very credulous, showed much deference to everything aristocratic among them, and were not much distinguished for intellectual superiority. They had some knowledge of mechanical arts, appreciated music, had little ambition, few wants, concerned themselves little with the affairs of their neighbors, were strongly imitative, sober, economical and much given to display when desirous of honoring a guest. But the Filipino was idle, fond of gambling, and his affection for his gamecock resembled that of an Arab for his horse.

William Gifford Palgrave, who was British consul at Manila from 1876 to 1878, found the natives distinguished for an "inbred courtesy, equally diffused through all classes high or low, unfailing decorum, prudence, caution, quiet, cheerfulness, ready hospitality, a correct though not an inventive tact, and a marked tendency to ancestral worship."

In his *Social History of the Races of Mankind*, Mr. Featherman says that, "The Tagalogs of the higher classes of the interior have preserved many noble traits of character. They are kind and even generous in their social intercourse. They are grateful for benefits received, and are faithful, calm and considerate. They are very hospitable and consider it a high honor to receive a stranger, and they make every possible sacrifice to manifest their high regard for their guest."

Mr. John Foreman, Mr. Dean C. Worcester and Mr. Frederic

H. Sawyer, in books published about the time of the departure of the Spaniards, give very full and detailed descriptions of the natives. According to Mr. Foreman, the Filipino "is fond of gambling, profligate, lavish in his promises, but *lâche* in the extreme as to their fulfilment. He will never come frankly forward to make a clean breast of his fault committed, or even a pardonable accident, but will hide it until it is found out. In common with many other non-European races, an act of generosity or a voluntary concession of justice is regarded as a sign of weakness."<sup>26</sup>

It is no more possible to praise than to indict a whole people. Generalizations deal with masses, not individuals; with constants, not variants. The exceptional Filipino, whether because of excellence or inferiority, is not the type of the race. In fact, he may be neglected, almost, in estimating the value of the race for the purpose of development along modern lines. It is what we may call the upper average which counts. The extremes may serve as an inspiration or a horrible example, but not as material from which to draw working conclusions as to the characteristics and qualities of the whole people.

The Filipinos are anxious to own land and much of the country is divided into small farms, but they are a gregarious people who dislike the isolation of a country life and prefer to live in the towns to which they return after the day's work on the farm. The result is that a country which is highly cultivated often looks unoccupied. Much of the work is done by laborers who sleep during the hot hours of the day. Highways which are deserted during the day are often crowded during the night by vehicles carrying produce to the market towns.

Village life is gay and joyous. The people are good-natured and kindly, and welcome the stranger with hospitality which is sometimes oppressive. The *banquete* and the *baile* play a large part in their lives. They delight in music and dancing and every village has its gorgeously uniformed band, which turns out on

<sup>26</sup> The foregoing and many other estimates of the Filipinos are collected in *Census of the Philippine Islands I*, pp. 493-531.

the slightest provocation. *Fiestas* and holidays are so numerous as seriously to affect the labor problem. In the rural communities the cockpit is still the center of social life although it is being crowded from its preeminence by the baseball field.

Family affection is strong and relatives of remote degree find a home with the moderately prosperous. It is almost impossible to induce laborers to remain long away from their homes and during railway construction times it was found necessary to build temporary villages where the laborers might be joined by their families. An American householder must exercise eternal vigilance to avoid supporting all the *parientes* of his house servants. Periodical inspection of servant quarters is necessary to clear out these distant relatives who fasten themselves on the working representatives of the group. It is not unusual for a clerk in a government bureau, on a salary of thirty dollars a month, to support father, mother and innumerable brothers and sisters, in idleness, and it is done with perfect willingness and evident unconsciousness of the imposition.

The women are in all respects the social equals of the men and they are much more ambitious. As a rule they control the family purse. Most boys of twenty are married and when employed as house servants the wife generally calls and collects the wages. The women are employed as laundresses and seamstresses only.

The Chinese attempt to monopolize the business of cooking, although a trained Filipino cook is the equal of a ~~Chinese~~<sup>Chinese</sup>. The Chinese cooks are thoroughly organized and as they learned how to cook during the Ming dynasty, or some other remote period, and have no intention of changing their methods, the American mistress soon throws up her hands in despair. When given his instructions the cook blandly says, "Yes, missie," and proceeds as usual. But the Filipino is anxious to learn new ways and in time makes as good a cook as the ~~Chinese~~<sup>Chinese</sup>. Servants are inclined to be shiftless, but they are easily trained, and, for a judicious mistress who remembers the servant problem at home, housekeeping in Manila is one long period of solemn joy.

For the average servant a falsehood is an ever-present help in

time of trouble, and, when necessary or convenient, he will prevaricate freely and fluently without apparent consciousness of wrong-doing. In this respect he is like a normal child; he simply moves along the line of least resistance. The desire to please, to avoid offense, to give the answer he thinks you wish, leads to many departures from strict truth. The political class and the journalists pay little regard to the truth when dealing with their opponents and are greatly surprised when called on to prove their charges in court. The Anglo-Saxon theory of the sacredness of abstract truth is made workable by liberal mental reservations. The Oriental claims more individual liberty in determining when a lie is justifiable, and it must be conceded that he is less of a hypocrite than his Anglo-Saxon brother. He frankly recognizes exceptions to the general rule. Thus in the Mahabharata it is said: "There is nothing higher than to tell the truth, yet it is better to speak what is beneficial than to speak the truth." Also that it is permissible to lie "on an occasion of marriage, or of love, or when life is in danger, or when one's entire property is about to be taken away, or for the sake of a Brahman."

In theory the Westerner makes no exceptions to the rule; in practise he is often quite liberal. The Filipino is an Oriental who professes the theory taught him by the Church while practising that of the Mahabharata with stress on the five exceptions, modifying the fourth by striking out the superfluous word entire.<sup>27</sup>

Competent observers agree that testimony offered in the Philippine courts must be carefully scrutinized. In parts of Burma there are said to be licensed practitioners of the gentle art of perjury, and in the Philippines, as in America, there are many experts who practise the art without a license.<sup>28</sup>

<sup>27</sup> Lord Curzon brought the hornets about his ears by telling the students of the University of Calcutta that "the highest ideal of truth is to a large extent Western." The statement was true enough, but all over India the cry went up that the Anglo-Saxon is a hypocrite who pays lip service only to a general principle. *Speeches of Lord Curzon*, I, p. 126.

<sup>28</sup> The naïveté with which a Filipino witness sometimes testifies is very amusing. In one instance a witness, after describing an accident in great detail, and standing successfully a severe cross-examination, volunteered the information that he was not present. When asked for an explanation he



Dissimulation, deceit and servility in people, as in children, are founded in fear and hope. They are seldom inherent or permanent traits of character of any people and when they have been acquired they ordinarily disappear with the removal of the inducing causes.

It has often been said that the Filipinos are lazy, treacherous and cruel, as well as ignorant of the meaning of the word truth. The charge is grossly untrue. It must be remembered, however, that Anglo-Saxon-Puritan standards are not accepted by all the world as laws of nature and that the Filipinos are not of English or New England origin. As business men the Filipinos are probably less reliable than the Chinese, but more honest than the Japanese. The common people are like those of similar social and economic station in other countries,—simple-minded, good-hearted, and generally honest, with a sufficient number of exceptions to necessitate the maintenance of a police system.

Like all people who live in the tropics, the Filipinos are naturally indolent. Activity for its own sake has no charm for them. The restless energy of the Americans seems to them mere foolishness,—like jumping up and down for the sake of doing something. Their necessities are the exact measure of their energies, and the necessities of life in the tropics are few and easily supplied. With banana and *papaia* trees growing in the back yard, a Filipino who can borrow a ladder need not worry about the support of his family. The people subscribe cheerfully to the biblical doctrine that labor is a curse, to be avoided when possible. Energy and activity are unnatural in such a climate. The tendency is downward to the standard which nature has fixed for the tropics, and even American and European born residents can avoid the inevitable languor only by constant vigilance and active exercise.

Personal dignity, reserve and pride are common to all Filipinos as to all members of the Malay race. They are sensitive, courteous, hospitable and quick to take offense at any discourtesy,

replied: "I was not there. My friend saw the accident, but he had to work in the rice-fields to-day so, as an accommodation, I came to do the testifying for him."

slight, or lack of consideration. They are offended by the brusque directness of a certain type of American who regards courtesy as undemocratic. Their sense of what is due to an individual is shocked by disregard of the requirements of formal courtesy. They have little sense of humor and detest boisterousness and all sorts of horse play.

In speaking of the characteristics and habits of the Filipinos the reader must constantly bear in mind that no characterization applies to all individuals or even to all classes. It is possible to generalize only with reference to the great body of the common people. As we have seen, there is great diversity of opinion as to their merits and demerits.

## CHAPTER IV

### The Native Peoples

#### II

##### THE MOROS

A Special Problem—The Designation Moro—The Different Tribes—Their Warlike Character—Running *Amok*—Weapons—Moro Forts—The Language and Books—Varying Habits—Physical Characteristics—Dress and Ornaments—Temperate—The Betel Nut Habit—Houses—Polygamy—Tribal Government—Slavery—Schools—Their Religion—Burial Customs—Their Industries—Power of *Datus*—The Moro Laws and Courts—Penalties—Old Customs Slowly Being Abandoned.

The tribes which inhabit the island of Mindanao and the Sulu and lesser groups at the extreme southwest extremities of the Archipelago have attracted much attention because of their warlike character and their distinction as the only Mohammedan wards of the United States. As a governmental factor they are most embarrassing. The wild men are good raw material, and the Filipinos are easily influenced in favor of good government, but the Moros, encased in the armor of Islamism, present a much more difficult problem. After a decade of American control, although intertribal wars and the worse vices of slavery have disappeared, they remain in character substantially as the Spaniards left them. Nevertheless those most familiar with the situation, while not enthusiastic, are hopeful of the future. Their regeneration will be a matter of generations, not of decades. General John J. Pershing, who has had much experience with the Moros, in his last annual report as governor of the province, says: "Relatively there has been great progress, but in reality

the people are yet in dense darkness and only the merest beginning has been made toward their enlightenment. The main thing to record is that we have a solid foundation for the future, in that the wild people and the Moros have come to look upon the Americans as their true friends. They have learned that they dare ask and that they will receive protection. They have found Americans just and unselfish, and they regard us as their defenders against their own countrymen who would keep them in ignorance for exploitation or seize upon them and sell them into slavery." However, unless "he can be induced to relinquish some of his most vicious customs, and unless he can be protected from exploitation at the hands of his *datu*, the Moro faces the future with very little of promise. He can not progress far while he is bound down by the chains of polygamy and female slavery. A code which recognizes plurality of wives and authorizes concubinage can not prevail against civilized standards of morality. Its baneful influence encourages sensuality and lust with all their degrading effect upon Moro character. Neither can the Moro advance under *datu* rule, the very foundation of which is laid in ignorance and strengthened by superstition. The moral sense is generally lacking in these *datu* leaders, and as a consequence even to a greater degree is the conscience of the common Moro befogged."<sup>1</sup>

The Moro is not a subject for ordinary missionary work, but the medical missionary can reach him, and it is safe to predict that the work along that line recently commenced under the directions of Bishop Brent will be more effective than anything heretofore attempted.

The religion of Mohammed regulates the lives, government and customs as well as the beliefs of its followers. Hence a change of government, to some extent, necessarily interferes with their religion. With this in mind the difficulties in the way of imposing a new system of government will be appreciated.

To the Spaniards all the followers of Islamism were known as Moors or Moros, and the name has been perpetuated in the

<sup>1</sup> *Annual Report of Governor of the Moro Province, 1913.*

islands as descriptive of all the Mohammedan tribes.<sup>2</sup> There are six separate and distinct tribes of Moros, and five or six groups which hardly rise to the dignity of tribal entities, so nearly do they resemble one or another of the greater divisions or merge their identity with that of some one of the wholly pagan peoples. While possibly not the most numerous, the Jolo Moros, because of their fierce and intractable natures, their continuous successful defiance of Spanish and American control, and their fanatical religious traits, are the most important and widely known of the Mohammedan peoples. The most of them live on the island of Jolo, a few miles southwest of Mindanao, where they have for centuries fought their fierce and sanguinary battles. They are found also throughout the Jolo group on the Siassi and Tawi-Tawi Islands, which stretch away to the coast of Borneo, and on the Cagayan de Sulu Islands to the north. Many of them have emigrated to Zamboanga, where they now form no inconsiderable element in the population.

The Sultan of Jolo has always been regarded as the head of the Moslem church in the Archipelago. The island of Jolo is the political and commercial center of the Philippine Moros. The Joloanos, in striking contrast with all the other Moros, present a type very closely approaching the original Malay, from whom they sprang, having mingled their blood with none of the other peoples of the Philippines and only to a slight extent with the Arab traders and missionaries who first brought them into the fold of Islam. These latter, though never present among them in any considerable numbers, invariably held high political rank and, practising the polygamy permitted by the Koran, left traces of their blood among the Moros of rank and wealth which are still easily discernible.

From the boundaries of the Cotabatu district west along the coast and for thirty or forty miles inland, to the Zamboanga district line, live the Maguindanao tribesmen, approximately fifty

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<sup>2</sup> The Moros call themselves *Tau sa Islam* or *The People of Islam* as distinguished in their tongue from the *Tau sa Pilipino* or Christian Filipinos.

thousand in number, less warlike than any of their neighbors, an agricultural and pastoral people, firmly attached to their Mohammedan faith, but more or less completely reconciled to the present stable and peaceful government.

The Lanao Moros, or more properly, and as they call themselves, the Maranao, or lake people, occupy the great plateau lying about Lake Lanao in north central Mindanao, the entire country surrounding Iligan Bay and the fertile valleys and grassy plains which extend to the southeast of the lake. Originally savage and warlike, they are fast losing these traits and becoming successful tillers of the soil, valued and dependable laborers on roads and public improvements throughout the province and, in a crude and uneconomic manner, rather remarkable workers in brass, copper and silver.

The Yakan Moros inhabit almost alone the island of Basilan, across the straits from Zamboanga. They are probably the best farmers in Mindanao, but have suffered much from contact with the Joloano trouble makers.

The latest comers of the Mohammedans are probably the Samal Moros—the “Sea Gipsies of the East”—whose migration from Johore was of relatively recent date. They are found in Mindanao, invariably close to the water’s edge. Great numbers of them live their entire lives aboard their boats. They were formerly pirates and slave catchers, who in many regions dominated their less energetic co-religionists. But American rule has put an end to their lawless activities and they are to-day occupied almost wholly in fishing, leaving their boats only to obtain supplies ashore in exchange for their sea produce. Considerable numbers of these people now live in Jolo and on Basilan, but the most of them still build their rude houses on poles over the water and close to the shore, or wander from place to place along the coast of the Zamboanga Peninsula in their *vintas*.<sup>3</sup>

Of the less important Moro tribes may be mentioned the Kali-

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<sup>3</sup> The real Samals are confined to the Samals group of islands. They are not wanderers of the Jolanese type.

bugan, a mixed people of Moro and Subano blood, and the Bajau and Ilanos.<sup>4</sup>

By instinct, tradition and training the Moro is fierce and warlike, exhibiting all the cruelty toward his enemies which is customary with savages. Ready and eager to shed blood, independent and jealous by nature, he goes to war on the slightest provocation. Formerly every man when outside his house or away from home was armed either with a kris or a barong, the two weapons of warfare.<sup>5</sup> He is not open and fair in fight, and frequently resorts to what white men regard as improper methods of attack. Being by birth and tradition a fighter he makes an excellent soldier and has been largely employed in that capacity by the government. Two companies of the Philippine Scouts and a dozen or more of the Philippine Constabulary are enlisted from the Moros, and very gallant and valuable soldiers they have proved to be. They take readily to a strict discipline, show great powers of endurance and fight cheerfully and bravely against their own people under the leadership of white officers.

Occasionally they carry spears and a species of war-club shaped like a boomerang. The barong is a cutting weapon, with a blade twelve, fifteen or eighteen inches long, with front and back oval shaped, meeting at an acute angle at the point. Krises are of two varieties, wavy and straight, and are used for both cutting and thrusting. They are often prized for their service in having killed a great number of persons, and the selling price is established accordingly. Individuals have an uncomfortable habit of getting into a religious frenzy and running *amok* among Christians. A Moro who goes *juramentado* and runs *amok* often finds many victims before he is killed.

The *kampilan*, another favorite weapon, is a long two-handed

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<sup>4</sup> According to the most recent estimate there are 325,000 Moros divided among the leading tribes, as follows:

Magindanaos .....	90,000	Sulus .....	65,000
Malanaos .....	78,000	Yakans .....	17,000
Samals .....	75,000		

*Rept. Gov. Moro Province*, 1913, p. 52.

<sup>5</sup> They have now been generally disarmed. The Lanao, Magindanao and Samal Moros make the best soldiers. The Yakans are the pacifists.

sword, widening toward the point and sharp on one side. Daggers and knives of many shapes and sizes are commonly used.

The Moros fortify their homes and villages, surrounding them with thick stone or earthen walls and conceal these forts, or *cotas*, by planting bamboo on or just outside the parapets. The *cotas* are usually deeply ditched, and entrance is effected by means of a narrow bamboo bridge consisting of a single pole and hand rail leading to a narrow gateway in the wall. From these *cotas*, in which they often make desperate and stubborn resistance to their foes, there are always secret means of ultimate escape, usually underground.

The Moro languages are of Malayan origin, with a large admixture of Arabic. Although derived from a common source, the dialects differ so as to make intercourse between the tribes impossible without an interpreter. They have some written books, other than the Koran and the Codes, but they are mostly genealogical and do not rise very high in the scale of literature. Considerable has been done by American army officers in the way of formulating the grammars of the different dialects. The Moro languages, however, remain quite rudimentary and undeveloped.<sup>6</sup>

The various tribes, having reached different stages of civilization, differ to some extent in their habits, customs, modes of life and belief, and no description of habits and customs is applicable to all the tribes. A few who live near the coast are quiet and peaceful and carry on a little farming and primitive manufacture, in connection with the universal fishing. They are generally quite prosperous, but, living as they do in a land of great fertility, where the climate offers but slight encouragement to either energy or ambition, they make no effort to better the conditions into which they were born. They are not thrifty, are fond of gam-

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<sup>6</sup> *A Grammar of the Maguindanao Tongue*, by Father J. Juanmarti, translated by Captain C. C. Smith, U. S. A. (1906).

*A Phrase Book and Vocabulary of the Lanao Moro Dialect*, by Lieut. Charles Winslow Elliott, U. S. A. (1913).

The Moros now publish a small newspaper at Jolo, and several school text-books are issued in the Moro script by the Department of Education.



bling, and, as a rule, squander their substance without much thought of the future.

The men are assisted in the outside work by the women and boys, who plow the fields, go on various expeditions and engage in fishing. Those who are particularly skilled in the things incident to their daily life acquire a reputation among their neighbors. Thus one man becomes noted for sailing the fastest boat, another for making the best barong and kris handles and scabbards, a third as an expert catcher of crabs and crayfish, another as a diver, and so on through all the various native occupations.

The Moros of pure blood have the usual characteristics of the Malay race. The complexion is olive brown, the hair straight and black. They are somewhat taller than the average Filipino, straight and well formed, and often strong and stockily built. The feet are particularly broad at the toes, which are generally widely separated, due to the habit of going barefooted. In many of their daily occupations they use their toes as other people use their fingers. Thus, in climbing a tree a Moro will grasp the climbing rope with his toes, and in sailing a boat he will wind the sheet around the great toe, and in riding the stirrup strap is passed between the toes.

The different tribes are easily distinguished by their dress. Generally that of both the men and women is quite simple. For the former it often consists of nothing except a sarong, a long piece of cloth joined at the ends and folded around the waist. A breech-clout is sometimes worn, and upon special occasions a costume consisting of a tight jacket and close-fitting trousers, buttoned to the ankle and full in the seat. These garments are often made in brilliant colors and ornamented with bright buttons. In the folds of the sarong the wearer usually carries a short dagger, or if a man of high rank, a kris.

Woman's ordinary clothing is limited to the sarong, a strip of brightly-colored cotton cloth about four feet wide and ten feet long, while her more elaborate dress is usually a close-fitting jacket and loose trousers. Shoes or sandals are unknown to the common people of either sex. The favorite head-dress is a

brightly-colored scarf, which the men twist into a turban. Occasionally straw or wooden hats of domestic manufacture and enormous size, adorned with tin or silver spikes, are worn by the men. But the turban is more popular.

Children wear little or no clothing in their homes, but frequently appear in public adorned with a sarong. It is not unusual to see Moro women ornamented with rings and bracelets, the work of native smiths, who are skilful in molding brass and precious metals. The hair is usually worn long by the men, while the women grease it with cocoanut oil and knot it upon the head in more or less fantastic fashion. The umbrella is universally popular and is carried by the well-to-do on all occasions.

The Moros bathe frequently, spending a great deal of time in the water, but as the use of soap is unknown they can not truthfully be said to be a cleanly race. Their houses and surroundings are often in a very filthy condition. They fall very short of the standard of Mohammed, with whom cleanliness was said to be the foundation of religion. The teeth are filed and blackened and the edges so shaped as to give them an outward curve. This process, which is very painful, is begun by both men and women in their youth and continued for several years. The front teeth are sometimes filled with copper, not for the purpose of preventing decay, but for ornament. Artificial teeth of horn are sometimes inserted, but they are entirely useless. The dye for the teeth is compounded from lemon juice, charcoal, rusty iron, or a certain vegetable sap.

Tobacco is used for chewing in connection with the betel nut and generally for smoking. Like all Mohammedans, the Moros are temperate in the use of alcoholic liquors. They use opium, however, to a certain extent. The habit of chewing the betel nut has a firm hold on all the people, men, women, and even children. It is supposed to aid digestion, preserve the teeth and act as a stimulant on the body. A betel nut outfit consists of a small brass box, a knife, a mixing pestle, a small package of shell lime, a few betel nuts from the areca palm, tobacco and a roll of buyo leaves.

The people of all stations in life build their houses very much alike. They are raised on poles from three to ten feet above the ground and are often built near or over the water. The timbers are lashed together and held in place with bejuco or rattan. The roofs are usually thatched with cogon grass, sometimes with nipa, or some other variety of palm, and the walls made of salaga, a species of palm leaf sewed together. The floors are made of strips of bamboo. These structures are practically waterproof and afford shelter from the sun, and also withstand the frequent earthquake shocks. The houses of the better class are often large, well built, and the outside joists elaborately carved and colored. The Bajaus, or sea gipsies, live in boats. Those who do not spend all their time at sea build huts on the shore over the water. Samal settlements are compactly built along the coasts, while those of the Yakans are scattered, the people living in small rancherias with houses far removed from one another. Generally the Moros proper live farther inland than do the Samal Laut.

The house furnishings are not elaborate, but sufficient for the needs of the occupants. Chairs and tables are not required, as the people sit on the floor. A few shelves, perhaps, are used for pottery and the kitchen utensils, all of which are primitive, consisting of brass bowls and jars, dried gourds, cocoanut shells, banana leaves and crude baskets. Mats are used for sleeping, except in the homes of *datu*s, where bedsteads, curtained with colored cloth hangings and provided with pillows and mattresses, may be found. Among the wealthier people the walls are decorated with krises and lances, while tom-toms, called agongs, and other alleged musical instruments are among the prized family possessions. Artificial light, when needed, is obtained from a slender torch-like bundle of resin, wrapped in a green leaf, or from a dish of cocoanut oil in which floats a wick. The tiny kerosene lamps sold by the Chinese traders are much used.<sup>7</sup>

<sup>7</sup> But civilization is getting its grasp on the Moro. Once on a visit of inspection, I was shown through the establishment of a wealthy *datu*. In the large living-room were two cheap but gaudy "Morris chairs," which it was easy to see were regarded by the proprietor as the conclusive evidence of his "culture." But this was not all. As a special favor, I was shown the women's apartment and the chair which conjugal affection had provided for the favorite wife. *It was a second-hand dental chair.*

Polygamy is common among the Moros and is sanctioned by their religion, a man having as many wives as he cares to support. The Koran permits four legal wives, but frequently all except one are slaves, whose children do not inherit land and titles. Wives are practically bought, the suitor paying an agreed amount to the family of the bride. Marriage ceremonies are performed by the priests and are often quite elaborate, followed by feasting, music and dancing. The Moros have many children, and the family ties are close. The women carry the children on their hips, as is customary among Filipinos. The proportion of illegitimate births is small. The marriageable age for women is thirteen years. Among Malanao Moros divorce is easy. Husband and wife separate on mutual agreement, the woman returning to her people, taking with her all presents received from her husband during wedded life. If a man finds himself too poor to support all his wives he may send one or more back to their former homes. The position of women among the Moros is rather high, in that they receive kindly treatment and often affection from their husbands, and are consulted in matters pertaining to the family and property. Parents are fond of their children, and the punishment of the latter by whipping is rare.

The tribal government is patriarchal, the most prominent member of the order being a chief, generally called a *datu*, although sometimes known as sultan, rajah, or by some other title. But whatever his title, his authority is always recognized by the members of his clan, and he has extensive power over his followers. The office is usually hereditary, descending to the oldest, or sometimes to the most capable son. The number of a chief's followers varies, running from half a dozen to perhaps ten thousand, but the importance of a chief is not determined entirely by the size of his following; other considerations, such as noble blood or great riches are frequently taken into account. There seems to be a tendency toward acknowledging the social importance of the merely rich man, which, if increased, will necessitate considerable changes in the social *status*. At present this idea has not sufficiently developed to threaten the position of the *datu*, who

generally rules by right of blood and exercises supreme authority.<sup>8</sup>

A form of slavery still very generally prevails. Moro slavery differs materially from the institution of negro slavery as it formerly existed in the United States, and in many cases the bondage is almost nominal. Sometimes the slave is from an alien tribe or is a captured man of the woods; but oftener of pure Moro blood. Master and slaves often live in the same house, eat the same food and exist upon the same plane. Their simple wants are provided for, and undoubtedly many bond servants prefer the secure and easy life they lead in the household of a well-to-do master, who always has enough fish and rice, to the struggle for existence that would follow their liberation. The female slave often occupies a position of considerable importance.

The slaves are obtained as captives in war, as punishment for crime, as security for debts, or by the despotic decree of some chief. They may be bought or sold. A man desiring to borrow money turns over as security some relative or other dependent, who is bound to servitude until the debt is paid. Persons failing to pay their debts are liable to bondage, and because of high rates of interest and the cost of their maintenance they not infrequently remain in servitude for the rest of their lives. Often, however, the slavery is temporary.

The Samal Laut, in the days of piracy, obtained an abundance of slaves as the result of their expeditions. Among them were Filipino Christians, pagans and Mohammedans. Among the Bajaus slavery is general and each man is required to work one or two days each week for his chief. On account of the extreme difficulty of obtaining reliable information upon the subject, no estimate can be made of the number of slaves.

Slavery has, of course, been sternly interdicted under American rule, but it has been impossible suddenly to terminate so deeply and firmly implanted a custom. The one great source of supply has been cut off since the raiding expeditions into the

<sup>8</sup> The title of *datu* may be won by personal influence or by conspicuous acts.

interior and constant intertribal warfare have ceased, and in time the system will die a natural death.<sup>9</sup>

Until recently, with few exceptions, the Moros have been unprovided with schools. The teachers among them have always been the priests, or panditas, who have trained a sufficient number of the young people to read and write to insure the perpetuation of their own class. Books, being made laboriously by hand, are scarce and confined to the Koran, the Luwaran or Book of Laws, and a few genealogical works. Some of the latter are very old and beautifully written in many colored inks. Among the children of the *datus* and sultans, reading and writing are commonly taught, but as few except the priests have any use for these arts they are quickly forgotten. Boys are raised for the priesthood by being taken directly into the families of the panditas, where they remain for several years in the capacity of servants and pupils.

Many of the Moros have made the pilgrimage to Mecca, and on their return are treated with great respect and veneration. These pilgrimages are organized perennially by the Arabic hadjis, who wander about the country and make all the arrangements with steamship companies through their agents in Jolo and Zamboanga.

Nearly all the heads of families and men of consequence among the Lanao Moros are able with more or less difficulty to write and read their own dialect, using the Arabic characters, and in most families of any means a boy or two, and occasionally a girl, will be found who are proficient in these simple accomplishments. The books used by the panditas in teaching their pupils are written on old sheets of printed paper and sometimes on thin boards of soft wood.

In recent years education among the Moros has received seri-

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<sup>9</sup> General Pershing says, "Slavery has always been a part and parcel of Mohammedanism, and prior to American occupation was practised openly by Moros, pagans, and even Filipinos. Since the enactment by the Legislative Council of the law of 1903, prohibiting slavery in the Moro Province, its existence has been generally denied, although to some extent it has been carried on under the pretense of retainer, follower, sascope, or concubine." *Report Gov. Moro Province*, 1913.

ous consideration by the provincial authorities. Pandita schools were first established. These schools are organized in the Moro settlements under the patronage of some influential *datu* and conducted by the local pandita or priest. The building and teacher are provided by the Moros themselves, while the province furnishes books, paper, blackboards and other necessary supplies. The instruction given is necessarily limited almost entirely to reading and writing the native dialect. Primary and industrial schools are being established under American direction, and the work is making some progress. When in 1913 the Moro Province was reorganized as the Department of Mindanao and Sulu, the administration of the schools was taken over by the Bureau of Education.<sup>10</sup>

The Moros are, according to Christian standards, unprogressive. The Koran is everywhere regarded with great reverence, but the people are as a rule ignorant of its teachings and are not steadfast in the practises of the Mohammedan faith. Aside from a few rites and abstention from the use of pork and liquor, the Moros can scarcely be said to abide by the laws of Mohammedanism. They pay their priests a nominal respect, but are not particularly prompt in paying the tithes expected of them. Very few observe the five daily hours of prayer. There are but few houses of worship, and these are modest mosques, or chapels (generally, nipa shacks), where services are held on Friday, the Sabbath of the Mohammedan.<sup>11</sup> The priests read selections from the Koran, in Arabic or Malay, which are not understood by the average listener. In many villages there are no places of worship. The religion, however, permits of home worship, and doubtless many Moros are devout and loyal to their faith. In

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<sup>10</sup> *Rept. Dir. of Ed.*, 1914, p. 54. The Moros asked for teachers competent to instruct their children in the tenets of their religion.

<sup>11</sup> At Sagiaran, near Lake Lanao, the powerful and influential *datu* Amai-Kerut has built a large mosque of sawed lumber, and adorned it with a corrugated iron roof. The best mosque is at Jalukoangan. Of course there are many sincere Mohammedans among the Moros, and it is easy to underestimate the attachment of the people to their religion. See "The Mohammedan Problem in the Philippines," by Lt. Col. John P. Finley, in *The Journal of Race Development*, V, No. 4, April, 1915.

cases of sickness a priest is often called in to repeat a formula over a glass of water, which is then drunk by the patient.

The Moro religion in many of its aspects is largely a governmental affair, a sort of state church, and acts committed in its name are respected. The Spanish converted to Christianity a few Moros, who are scattered along the coast in the vicinity of Zamboanga.

Respect for the dead is general among the Moros, and they provide a suitable burial, attended by more or less religious ceremony. The Malanao tribe celebrates the death of a *datu* or other important person with considerable pomp. The body is kneaded to remove all impurities and is then wrapped in cloth, a process which is repeated until it becomes heavily encased. It is then buried with prayers by the panditas. Graves are covered with heaps of stone and often marked with a long pole from which are suspended colored banners and painted figures of grotesque birds or animals. At the conclusion a feast is spread, to which all friends of the deceased are invited. The burial ceremony is followed by a period of mourning.

Among the Samal Laut, at the approach of death a priest is called in to read from the Koran or to intone prayers. The corpse is carefully washed and wrapped in white cloth; or, if the family is poor, cloth of some other color, or even matting, may be used. The body is then placed in a wooden coffin and is buried with the eyes open and the face toward Mecca. A simple ceremony consisting of prayers and selections from the Koran is held at the grave, which is sometimes sprinkled with sandalwood water. The place is usually marked by a modest canopy of cloth supported by low posts. Returning home, the family of the deceased is expected to devote several nights to mourning for the dead and to reading the Koran.

Although they live almost entirely in boats and wander from place to place, the Bajaus never bury their dead at sea, but always on a particular island, regardless of the distance they may have to travel to reach the burying-ground. Everything belong-



ing to a Bajau, including money, is buried with him. Even his boat is cut up and buried.

The aggregate of Moro industry is not large, although it has been considerably increased during recent years. The tools, by the aid of which everything else is produced, are largely home-made. Here, however, as elsewhere in the Moro economy, much ingenuity is often wasted in trying to fit one tool to many uses instead of devising implements suitable for the work at hand. Even with the Moros there has been some little specialization of function; thus not all men are smiths or woodworkers. There has also been some recognition of the necessity for trades and craftsmen in even the small division of labor which their social organization affords. But this tendency is not marked.

Although the Moros are primarily farmers or fishermen, some of them acquire mechanical trades. The ironworkers or smiths are the most skilful among these semi-tradesmen. Their equipment is primitive, but shows considerable ingenuity, and their workmanship is often excellent. They obtain iron and steel from Chinamen by barter, and forge the numerous crises, bolos, knives, daggers and spears in which the people take great delight. The occupation of smith is held in high honor among them.

Another important home industry is the building of boats. The Moros are semi-amphibious, and when they are not actually immersed in water are frequently to be found upon its surface in small canoes. Practically every family possesses at least one boat and often several. Although the demand is consequently large, it has not developed a special class of boat builders. Each man is competent to construct some kind of a craft for his personal use. It requires about three weeks' time for a man to make an ordinary canoe twenty feet in length, as the tools employed are crude and unsatisfactory. Many a huge *vinta* has been laboriously hollowed from an immense tree trunk with no other tool than a mallet and a rough chisel.

The making of pottery is common but not general. A potter's wheel of a rude pattern is used. The material is a black

volcanic mud obtained from the sediment of streams. It is not apparently rich in clay, but holds together quite well after baking. The pottery is fired by being put directly into an ordinary fire, where a good deal of it is ruined, but the rest emerges hardened and toughened sufficiently for household use. The firing kiln is unknown.

Some of the more ingenious artisans, particularly among the Lanao people, work in brass, hammering or molding a variety of ornamental articles. The ability to do this work is confined to a few localities and families. Few articles are made except "chow pots," betel boxes, ornaments and handles for krises. Some brass workers are able to work in silver, but their skill does not equal that of the Navajo and other American Indians.

The women weave cloth of good quality, the usual articles made being the sarong and large handkerchief, which constitute the ordinary dress of both sexes. This work is executed upon primitive looms and is often artistic in addition to being skilfully woven. But little use is made of twills, diagonals and other fancy weaves. Considerable diversity in appearance is obtained by the manipulation of many-colored threads. The thread is obtained from the Chinese, the women having small knowledge of spinning. The dyeing is done at home with colors that are generally lasting, extracted from barks, roots and flowers.

A small-eared, low-growing corn is raised, principally because it is immune from the attacks of locusts. It receives little care other than numerous weeding, and the quality of the seed is so poor that the resulting crop is far from satisfactory. Sweet potatoes form a never-failing crop, growing apparently from year to year without replanting, but the quality could be improved by the introduction of fresh stock and the employment of modern agricultural methods. The banana is prolific, but can scarcely be classed as a cultivated product. Although great groves are to be seen everywhere, they receive no attention. Cocoanut trees abound near the coast, and the natives find them of use in many ways, the oil being an important article of food. Tobacco is

raised for family consumption, also a small quantity of sugar cane, from which brown sugar is manufactured in a crude fashion.

The Moros in the vicinity of Lake Lanao raise excellent coffee, and all who live on the island of Mindanao collect large quantities of gutta-percha, rubber and hemp.

The establishment throughout the province, by the American government, of the Moro Exchanges has proved a great stimulant to trade among them, as well as a civilizing influence. Through these exchanges the Moros have been brought into peaceful commercial relations with one another and with the wild pagan peoples of the interior.<sup>12</sup>

All *datu*s, and especially those of importance, strive to keep in immediate attendance upon their persons a number of armed fighting men, who not only act as a body-guard, but also exercise functions of a governmental nature. The personal power of the *datu* is greatly increased by the existence of this class of retainers, for they derive their authority from him and are responsible to him alone for the way in which it is exercised. The personal despotism of the *datu* is tempered in practise by the great deference paid by all members of the community, himself included, to custom. Not only is there a written code of law governing the people, but there are Moro customs, the reputed usages of their ancestors, in the observance of which they are quite strict and of which they are very tenacious. Precedent is the great law giver and court of last resort. It would not occur to a *datu* to institute new laws in the governing of his people, and progress that would have to be based upon such action would meet with general disapproval. The Moros have no comprehension of the word government. They recognize only a personal central power. When the census of 1903 was being taken they frequently asked by whom it had been ordered, and when told by the government, were at a loss to understand what the work

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<sup>12</sup> At one time the Moro Exchanges in the districts of Zamboanga, Jolo and Cotabatu did a business of one million pesos annually.

meant. When told, however, that the governor had decreed it, they were satisfied.

All real authority is vested in the *datu*, who presumably acts in the interests of his subjects. By him war is declared and carried on and peace made. As he is not always competent to lead in war, it frequently becomes necessary to select a war chief. The office of war chief is comparatively unimportant under the peaceful conditions of the last few years.

The administration of justice is a guarded prerogative of the *datu*, who either holds court in person, or determines all questions on appeal. If the case presents unusual difficulties, he may confer with his panditas, who are presumed to know the written law—the Koran and the Luwaran—and the elders among his personal following.

The title to all land occupied by the tribe is vested in the *datu*. The occupancy of it by the people is either with his permission or by his sufferance, but in practise tenants enjoy all the advantages of ownership, including, in a majority of cases, permanency of tenure.

Among the Malanao Moros, sultans and *datu*s are often elected. In matters of importance a sultan usually acts with the advice and consent of his subordinate officials. The title sultan is commonly applied to a leader having several *datu*s under his authority. He may, however, have none, and a *datu* at times may have more wealth and influence than his sultan. A *datu* does not necessarily obey the sultan, although he is liable to punishment if the chief ruler is powerful enough to wage war against him.

The Moros, under American rule, are governed largely by their ancient laws, which are administered through the tribal and ward courts. An effort is being made to deprive the *datu*s of their personal jurisdiction, but no great results have been so far accomplished. The laws of the Maguindanao and Sulu Moros were long ago collected into a Code written in Arabic, known as the Luwaran. The authority of this Code is universally accepted by the people of this tribe, although the *datu*s use con-

siderable discretion in applying its provisions. As customary law prevails very generally, there is much variety throughout the Moro country in the methods of administering native justice and in the laws applied.<sup>13</sup>

Among the Samal Laut of Zamboanga, a dispute between two persons of the same village is disposed of by the local headman in conference with all interested parties. If the accused and the leader do not agree, the case is carried to the next in rank, such as a secondary *datu*, and again discussed. If the results are still unsatisfactory, it goes by appeal to the ranking *datu* of the region, whose decision is final.

If the difficulty involves people of different villages, the respective headmen take it under consideration, and the case is subject to appeal in a similar manner as stated above. The supreme authority or over-lord has power to reverse any previous decision. Minor matters are usually settled without appeal.

Adultery in women must be proved by at least two witnesses, and the punishment inflicted is a heavy fine to be paid by herself or her family to her husband, which amount he shares with the *datu*s or headmen who conduct the trial. If unable to pay, the woman becomes a slave and her husband is at liberty to sell her. A woman can not secure divorce on the ground of her husband's adultery. A man convicted of adultery is subject to a fine twice as heavy as that exacted from a woman. This money goes to the injured husband, who divides with the headmen. If unpaid, the offender becomes a slave and is sold.<sup>14</sup>

A convicted thief must pay the victim twice the amount of the theft, in addition to a fine, which goes to the headmen. If the case comes before a *datu*, he receives the entire fine, but is expected to divide with the headmen assisting in its conduct. Failure to pay means enslavement of the condemned, who, however,

<sup>13</sup> Saleeby, *Studies in Moro History, Law, and Religion* (1905), pp. 64 *et seq.*

<sup>14</sup> The different tribes have different punishments for adultery. The Yakans tie the parties together and throw them into the sea. The Maguin-danaos give the injured husband the right to kill the man and woman if he acts within a reasonable time.

often substitutes one of his children, who in this manner sinks into slavery for life.

Murder is usually punished by a heavy fine divided between the family of the victim and the men who try the case, a *datu* receiving an extra share. If a man commits a crime when intoxicated, the case is investigated to see whether he was in that condition voluntarily or whether others were partly to blame, and this fact is taken into consideration in the infliction of punishment.

The customary laws of these people thus allow money to be paid in settlement for almost all crimes. In fact, this was the usual practise among the Malays of the Philippine Islands. With the Samal Laut particularly this method is the natural one, in view of the fact that not only the somewhat unsettled and roving life of the tribe is unfavorable to devising means for guarding prisoners, but especially because the system of fines is a source of income to the headmen.

The Maguindanao Moros have but few criminals and generally deal summarily with them. Ordinarily a fine is imposed, but in rare cases offenders are sentenced to confinement, and, in the absence of jails or other strong buildings, are secured by attaching a huge block of wood to the ankle.

Among the Sulu tribes, the sultan appoints a judge before whom all cases are tried. The fine for murder is two hundred ten pesos for each person killed. In default of payment for a crime, the culprit is sentenced to slavery. According to the rules of evidence, the accused can not testify in his own behalf. He may be convicted upon the testimony of a single witness, which fact, together with the custom of giving half the fine to the complaining witness, often makes the prisoner the victim of revenge. What has been written refers generally to the conditions existing at the time of the American occupation.

Many of these customs and laws are slowly giving way before the system of government inaugurated and maintained in the Moro country by the Americans. The tribesmen, particularly the Malanaos and Maguindanaos, are realizing more and more the value of a stable government, of just courts and of the

sympathetic and unprejudiced attitude of their American governors. Hundreds of cases, disputes which formerly were settled solely by the *datus* themselves, are now regularly brought to the district capitals and submitted to the white governors and judges for adjudication. The old warlike and predatory tendencies are slowly but surely dying out, as the Moro begins to appreciate the meaning of a peaceful and quiet agricultural existence with a swift and relentless justice ever at hand to punish the evildoer. This does not apply to the *datus*, who naturally object to being deprived of their ancient authority. Practically all the non-reliable and outlaw chiefs, who until about 1913 made necessary the presence of considerable bodies of American and native troops in the Moro Province, have now been hunted down and disposed of, and the balance of the *datus* and sultans, with that fatalism characteristic of Islam, show a disposition to accept the new order and to turn from war to agriculture and peace.

The Moros have never been on good terms with the Filipinos. The attempt to bring them into closer relations by establishing agricultural colonies composed of members of both races is still in the experimental stage.

## PART II

### The Historical Background

*“In the light, then, of impartial history raised above race prejudice and religious prepossessions, after a comparison of the early years of the Spanish Conquest in America as with the first generation or two of the English settlements, the conversion and civilization of the Philippines in the forty years following Legaspi’s arrival must be pronounced an achievement without parallel in history.”* Edward G. Bourne.





## CHAPTER V

### Discovery and Conquest

#### A HALF-CENTURY OF ACCOMPLISHMENT

Route to the East—Struggle Between Spain and Portugal—Appeal to the Pope—The Demarcation Bulls—Treaty of Tordesillas—Ferdinand Magellan—Extension of Demarcation Line around the Globe—The Circumnavigation of the Globe—Discovery of the Philippine Islands—The Junta of Bandajos and the Treaty of Saragossa—Voyage of Villalabos and the Naming of the Islands—Andreas de Urdaneta—Expedition under Legaspi—Mohammedism in the Philippines—Conquest of Luzon and Founding of Manila—Death of Legaspi—Expedition of Salcedo—Limahong's Expedition Against Manila—Expedition to Borneo—The Conquest Completed and Government Established—Missionary Character of the Enterprise—Proprietary Government—Salazar and the Appeal for Reform—Sanchez Sent to Spain—Reorganization of Affairs—Salazar the First Archbishop—The End of the Constructive Era.

The discovery of the Philippine Archipelago by Ferdinand Magellan was one of the immediate results of the attempt of Pope Alexander VI to reconcile the conflicting claims of Portugal and Spain in the newly discovered and to be discovered parts of the world.

The overland road to the Far East was obstructed by the Egyptians and Turks. Somewhere in that half mythical region were the famed islands where grew the prized nutmegs, cloves, cinnamon, ginger, pepper and other spices.

“Here see o'er Oriental seas bespread  
Infinite island groups, and alwhere strewed;  
Tidore, Ternate view, whose burning head  
Lanceth the wary flame and fiery flood;  
There see the groves the biting clove bud shed,  
Bought with the price of Portuguese blood.  
Here dwell the golden fowls, whose home is air  
And never earthward save in death may fare.”<sup>1</sup>

<sup>1</sup> Camoens' *The Lusiads*, Canto XII, p. 407 (Burton).

Could an all-sea route to these islands be discovered then would the fabled wealth of India and far Cathay fall into the lap of Europe without tribute paid to the robber Turks.

The struggle for the discovery and conquest of new lands was then between Spain and Portugal. England, the mother to be of empires, had not yet awakened to the possibilities of the future. The seas that washed her island home still formed her boundaries. For the spacious times of great Elizabeth, with its bold buccaneer leaders, she was yet to wait for half a century.

In the meantime Prince Henry the Navigator was devoting his energies to the extension of geographical knowledge and the development of the commerce of Portugal.<sup>2</sup> The navigators who were soon to sail to the East and West Indies and lay the foundations of a great colonial system were being trained and developed in the trade on the coast of Africa.

The discoveries of Columbus placed a new world in the possession of the Spaniards. Before the end of the sixteenth century the people of two small countries on the Iberian Peninsula, through whose veins flowed the vigorous blood of youth, had extended their sway over all the newly-found lands of the globe. Conflict between them had become inevitable. Portugal was watchful of her monopoly of the African trade, and Spain was dreaming of a world-wide colonial empire.

Both appealed to the accepted arbitrator, and Pope Alexander VI generously divided the waters and new lands of the universe between the two ambitious claimants. The famous demarcation bulls drew a line from pole to pole through the Atlantic Ocean. The existing rights of Portugal to the east of the line were confirmed, while Spain was authorized to take possession of all unknown, unoccupied heathen lands to the west thereof.

The future of the Philippines was determined by these papal bulls and the subsequent Treaty of Tordesillas. Had not the bulls been issued the islands would inevitably have fallen into the

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<sup>2</sup> See the life of this remarkable prince by C. Raymond Beasley (London and New York, 1895); and an article by Prof. Bourne, entitled, "Prince Henry the Navigator," in *Annual Rept. Am. Hist. Ass'n* (1893), p. 112.

hands of the energetic Dutch. The voyage of Magellan and the discovery of the new islands were the logical results of the establishment of the demarcation lines.

Several bulls were issued during the year following the discovery of America by Columbus, the apparent purpose being to secure to Spain the new lands which her enterprise had found, while reserving to Portugal the rewards of her enterprise in the East. The world of waters, islands and lands were to be divided between the faithful sons of the Church, Ferdinand of Castile and John of Portugal.

By the first of three bulls<sup>3</sup> the Pope granted to Spain the countries which Columbus had recently discovered and such as her navigators hoped to discover in the West. And this was done "because of all works the most agreeable to divine Majesty is that the Christian religion should be exalted and spread everywhere; that the salvation of the human soul should be secured in all countries, and that barbarous nations should be subjugated and converted to the Catholic faith."

On the same day there was issued a sort of abridgment of this bull which recited the same matter more clearly and concisely. The previously granted rights of Portugal in her discoveries were carefully protected and the rights of Spain in her new lands were defined in the same terms. It has been suggested, Harrissee thinks with good reason, that something thereupon happened in diplomatic circles, as on the following day another bull was issued which determined the Spanish and Portuguese rights by drawing a line north and south through the Atlantic Ocean one hundred leagues west and south of the Azores and of Cape Verde. All new unoccupied lands to the west and south of this line were to belong to Spain.<sup>4</sup>

But as it was possible that while voyaging toward the west or south the Spanish captains might land or touch in eastern waters and there discover islands or mainlands that belonged

<sup>3</sup> Dated May 3, 1493.

<sup>4</sup> These bulls and the Treaty of Tordesillas are printed in full in B. & R., I, pp. 97 *et seq.* See also Harrissee's *Dip. Hist. of America*, and Bourne's *Essays in Historical Criticism*, p. 13.

to India, the Pope, as further evidence of his good will, by a bull dated September 25, 1493, extended the Spanish grant so that it included "all islands and mainlands whatsoever that are found and to be found, discovered and to be discovered, that are or were, or seem to be in the route by sea or land to the west or south but are now recognized as being in the waters of the west or south and east and India."

King John of Portugal was much dissatisfied with the arrangement effected by the various papal bulls. According to his interpretation of the existing treaty between Spain and Portugal, the former had resigned to Portugal the entire field of oceanic discovery, excepting only the Canary Islands. A boundary line only one hundred leagues west of the Azores did not seem to him to allow sufficient sea room for the Portuguese sailors who were engaged in African voyages.

The Pope declined to make any further changes and war seemed imminent. But Spain was disposed to make reasonable concessions, particularly as Columbus had estimated the distance from the Canary Islands to the new islands as nine hundred leagues. The principle of the papal bull was accepted by the rivals, but it was thought that a line drawn half-way between the Cape Verde Islands and the islands newly discovered by Columbus would effect a fair division of the waters and lands which were to be exploited and Christianized. The result was the Treaty of Tordesillas, whereby the line of demarcation was by agreement drawn three hundred and seventy leagues west of the Cape Verde Islands, and this was duly ratified and confirmed by Pope Julius II in a bull promulgated July 24, 1506.

In neither the papal bulls nor the Treaty of Tordesillas is there anything to suggest that the demarcation line was intended to extend around the globe. The line was drawn north and south through the Atlantic Ocean, and Spain was given a free field to the west and Portugal to the east thereof. Should they meet on the other side of the globe it was evidently the intention that the usual rule of priority of discovery should determine owner-

ship.<sup>5</sup> The idea that the Pope when he established the demarcation line intended to divide the world like an orange does not seem to have prevailed until a generation later.

The Portuguese reached India in 1498 and thirteen years later Malacca, in the Golden Chersonese, the great entrepôt of the spice trade, was occupied. The Moluccas Islands from whence the spices came were not discovered until 1512. It has been claimed that Magellan visited these islands with a Portuguese expedition, but it is more than probable that he obtained his information about them and the inspiration for his voyage from a certain Captain Serrao, who wrote enthusiastically to Magellan of a "world larger and richer than that discovered by Vasco da Gama." It is possible that Serrao by exaggerating the distance from Malacca to the Spice Islands suggested to Magellan the idea that these islands must be beyond the line of demarcation and hence within the Spanish portion of the globe. They could be reached therefore by sailing westward according to the original idea of Columbus.

Ferdinand Magellan had been badly treated by his sovereign. He is said, on doubtful authority, to have joined the Portuguese fleet which sailed for India in 1505, to have been present at the siege of Malacca and to have accompanied an expedition which discovered

" . . . the Isles  
Of Ternate and Tidore, whence merchants bring  
Their spicy drugs."<sup>6</sup>

It is more than probable that he secured his information with reference to the Moluccas from his friendly correspondent. He had served in the wars in Africa and received a wound that rendered him permanently lame. Unfriendly persons secured the ear of the king and made him believe that Magellan was shamming lameness. Having lost the royal favor and seeing no prospect for employment, Magellan formally renounced his allegiance to Portugal and became a naturalized Spaniard. He now

<sup>5</sup> HARRISSE, *Diplomatic History*, p. 64. BOURNE, B. & R., I, p. 24.

<sup>6</sup> *Paradise Lost*, Book II.

appealed to Charles for aid in the enterprise which was to "force a passage such as fancy ne'er conceived."<sup>7</sup>

The importance of the idea that the demarcation line extended around the globe, and that the Moluccas were within the Spanish limitations, was perfectly clear to Magellan and also to Haro, who was his financial backer. Transylvanus says that, "They showed Cæsar that though it was not yet quite sure whether Malacca was within the confines of the Spaniards or the Portuguese, because as yet nothing of the longitude had been clearly proved, it was quite plain that the great gulf and the people of Sinae lay within the Spanish boundary. This was held to be most certain—that the islands which they called the Moluccas, from which all spices are produced and are exported to Malacca, lay within the Spanish western division, and that it was possible to sail there; and that spices could be brought then to Spain more easily and at less expense than they came direct from their native place."

Las Casas, who was about the court when Magellan presented his plan to the king, gives a graphic account of what occurred. Magellan, he says,<sup>8</sup> "had a well-painted globe on which the whole world was depicted, and on it he indicated the route he proposed to take, saving that the strait was left purposely blank so that none should anticipate him. And on that day and at that hour I was in the office of the High Chancellor when the Bishop brought it and showed the High Chancellor the voyage which was proposed; and speaking with Magellan, I asked him what way he planned to take, and he answered that he intended to go by Cape Saint Marry, which we call the Rio de la Platte, and from thence to follow the coast up until he hit upon the Strait. But suppose you do not find any strait by which you can go into the sea? He replied that if he did not find any strait he would go the way the Portuguese took." Las Casas adds, "This Ferda-

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<sup>7</sup> "A Lusian . . .  
Who being greatly by his King agrieved,  
Shall force a passage fancy ne'er conceived."

Camoens' *The Lusiads*, Canto X.

<sup>8</sup> B. & R., I, p. 28.

nando de Magalhaes must have been a man of courage and valiant in his thoughts and for undertaking great things, although he was not of imposing presence, because he was small in stature and did not appear in himself to be much."

The contract with the king provided for the distribution of the profits of the voyage and required Magellan to limit his operations to "the dominions which belong to us and are ours in the Ocean Sea, within the limits of our demarcation." He was directed "not to discover or do anything within the demarcations and limits of the most serene King of Portugal." Magellan was given the title of cavalier, invested with the habit of St. James, and granted the hereditary government of all the islands he might conquer.

The expedition which was to bring the Philippines to the attention of the world sailed from Seville, September 20, 1519.<sup>9</sup> While still on the eastern coast of South America the terrors and hardships already encountered led to a mutiny of the crew, but Magellan's courage and tact, together with the swift punishment of the leaders, finally gained him control.<sup>10</sup> The strait which now bears the name of the intrepid navigator was discovered a year later. Thirty-eight days were consumed in threading its sinuosities and ninety-eight days more in crossing the lonely Pacific.

After stopping at an island where the natives were such skilful thieves that they stole the nails out of the side of one ship and the rudder from another, thus winning for the group the name of the Ladrões, the fleet reached the great Archipelago, which Magellan, in honor of the saint on whose day he arrived, called the Islands of Saint Lazarus, but which later were to be known as the Philippines. During the same month he visited the island of Homonlion, near Surigao, and the island of Limasagua. After

<sup>9</sup> B. & R., I, p. 250.

<sup>10</sup> "Magellan, who could only hound his crew  
Onward by threats of death, until they turned  
In horror from the Threat that lay before.  
Preferring to be hanged as mutineers  
Rather than venture farther."

Alfred Noyes. *Drake, An English Epic.*



stopping at Leyte and a few small islands he finally reached the large island of Cebu.

The people were suspicious and assembled to oppose the landing of the strangers, but good relations were soon established and a treaty of friendship was ratified under the forms of the blood covenant. A chapel was constructed on the shore and mass was there duly celebrated for the first time in the Archipelago, which for so many generations thereafter was to remain loyal to the Church of Rome. We are told "that the royal family of Cebu," anxious to observe the manners and customs of the visitors, attended the celebration and were so much impressed by the sight that they sought baptism, became Christians and took the oath of allegiance to the king of Spain, and that their good example was followed "to a great extent by the nobles and people of Cebu." Thus was the Christian form of faith and the symbolic cross planted by the Spaniards in the Antipodes.

But Magellan, after accomplishing so much, was destined to lose his life in a petty skirmish with the enemies of his Cebuan friends. The great navigator, as a modern poet with excusable license says,

" . . . with Hell all around him, in the clutch  
Of devils, died upon some savage isle,  
By poisonous black enchantment."

It was on the small island of Mactan, which lies near by across the Cebu Strait, that he met his death. There visitors from the far-away land which now holds sovereignty over the Archipelago, and which then had but recently been discovered, may see a small monument<sup>11</sup> which marks the spot where the great navigator is supposed to have fallen. A more imposing memorial to his memory stands on the south bank of the Pasig River within the city of Manila.

After the death of Magellan the natives began to be troublesome. His successor, Barbosa, and twenty-six of his men were murdered while attending a banquet given by their native hosts,

<sup>11</sup> Also near by, an extensive manufacturing plant.

and the others, hearing the disturbance, sailed away, treacherously leaving a number of their comrades to a miserable fate. Only Captain El Caño succeeded in taking his ship, the *Victoria*, to the port from which three years before he had sailed.

El Caño was thus the first navigator actually to circumnavigate the globe, although the project was that of Magellan to whom the world has given credit. But El Caño was rewarded by knight-hood, a life pension and the right to use on his escutcheon a globe bearing the motto, *primus circumdedit me*. A second expedition under the command of Loaisa and El Caño sailed in 1525 and visited Mindanao and the Moluccas, where it went to pieces, Loaisa and El Caño losing their lives.

Magellan's theory was justified by the facts. A western route to the Spice Islands had been discovered, and if the line of demarcation was to be extended around the globe they were clearly on the Spanish side.

Portugal showed no disposition to relinquish any of her claims in the East, and Charles V was in greater need of ready money than of new islands. An attempt to settle the controversy by diplomacy was unsuccessful. Plenipotentiaries, accompanied by a full complement of astrologers, scientific experts and lawyers, met on a bridge over the River Caya, which formed the boundary line between Spain and Portugal. But nothing was accomplished. Neither the lawyers nor the experts could agree upon even a starting point for negotiations. The Junta of Badojis was a failure. A street boy jeered at the great men who were engaged in dividing the world. And, says Hakluyt, "what wise men seeth not that God by that childe laughed them to scorne and made them ridiculous and their partition in the eyes of the world."<sup>12</sup>

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<sup>12</sup> That the demarcation bulls were a reasonable and proper exercise of conceded power, see HARRISSE'S *Dip. Hist. of Am.*, Chap. 5, p. 40.

"Men now smile when they read or hear of the attempt of Alexander the Sixth to divide the undiscovered world between Spain and Portugal, but what single act of any Pope in the history of the Church has exercised directly and indirectly a more momentous influence on human affairs than this last reminder of the by-gone world sovereignty of the Holy See?" BOURNE, *Essays in Hist. Criticism*, p. 217.

The Portuguese and Spaniards were already fighting, but both monarchs desired peace, as their houses had recently been united by marriage, and in the end Spain, in consideration of the payment of three hundred and fifty thousand ducats, relinquished her claim to the Moluccas. This arrangement was assumed to be in the nature of a compromise, and it was provided that should the contemplated scientific determination of the line show that the disputed territory belonged to Portugal the money should be returned. It is needless to say that Portugal never saw the ducats again.

As long as Spain held her possessions on the western continent she regarded the Philippines as a part thereof. They, to her, were the Western Islands, and not until 1844 were they transferred to the Eastern Hemisphere and a day dropped from the calendar at Manila.<sup>13</sup>

The new Archipelago of St. Lazarus was not mentioned in the treaty, but as it lay well to the west of the Moluccas it was clearly renounced to Portugal. Nevertheless, Spain in 1542—against the protest of the Portuguese, who asserted, without any justification, that they were introducing Christianity into Mindanao—despatched another expedition from Mexico under the command of Lopez de Villalabos. This fleet was wrecked on the coast of Samar, and the Spanish returned to Spain by way of the Moluccas. Villalabos is remembered principally because he gave the name *Filipinas* to the islands in honor of the Prince of Asturias, known to history as the somber Philip II of Spain.

After this potent monarch came to the throne a new and better equipped expedition was prepared for the conquest and colonization of the Archipelago. Philip did not question the right of Portugal to the Moluccas under the treaty of Saragossa, but he determined to ignore the fact that the treaty applied also to the new islands which were to bear his name.

There was then at the court an Augustinian friar named Andres de Urdaneta, who was destined to win fame by his part in the early history of the Philippines. While yet a layman and

<sup>13</sup> See Guillemard, *Magellan*, p. 227.

a sailor he visited the Moluccas as captain of one of the ships of the ill-fated expedition of Loaisa and acquired considerable general and scientific knowledge of the country. He had earnestly and persistently urged Charles to send another expedition to the Far West, but the emperor had grown weary of the world and was contemplating his abdication. Urdaneta, discouraged also, retired to Mexico and became an Augustinian monk. Philip placed him in charge of the missionaries who were to accompany the new expedition, but Urdaneta believed that the Philippines belonged to Portugal and protested against going there unless, as he told the king, "*some legitimate and pious reason for the expedition should be assigned*, such as the rescue of the sailors who had been lost on the islands on previous expeditions and the determination of the longitude of the demarcation line."

But Philip took the bolder course, and in the first despatch sent by him to Mexico relative to the expedition announced that it should not go to the Moluccas but "to the other islands which are in the same region as are the Philippines and others that were outside the said contract but within our demarcation, that are said to produce spices." With characteristic caution he wrote to the viceroy of New Spain<sup>14</sup> directing him to provide "what seems best for the service of God, our Lord and ourselves, and with the least possible cost to our estate, for the recovery of the Western Islands toward the Moluccas."

The expedition was placed under the command of Miguel Lopez de Legaspi, who, with the title of *Adelantado*, was appointed governor and captain-general for life over all the islands that he might discover, occupy and colonize. Urdaneta, who believed that the king had been impressed by his pious representations and that the expedition was destined for New Guinea, accompanied the fleet as spiritual guide and general adviser. When on the high seas Legaspi opened the instructions which had been given him by the royal *audiencia* of Mexico he discovered that the objective point was the Philippines and not New Guinea. Urdaneta and the unhappy friars complained bitterly that they

<sup>14</sup> September 24, 1559.

had been deceived by the king, but as he could not conveniently abandon the voyage at that stage, Urdaneta consented to guide the fleet to the Philippines by the most expeditious route.

"The *religious* in the fleet were very sorry at this, giving out that they had been deceived; and had they known while yet ashore that such a route was to be pursued, that they would not have accompanied the expedition." But "they expressed their willingness to make the expedition now for the service of God, the Holy Catholic faith, and the increase of the kingdom and the general good of the fleet."<sup>15</sup>

Legaspi was instructed to avoid the Moluccas, and as soon as the fleet reached the Philippines to send Urdaneta to establish a route to Mexico and report to the king. After stopping at Guam and other islands, the fleet reached the island of Cebu on April 27, 1565.<sup>16</sup> Here houses and a fort were constructed, and a ship in command of Urdaneta was despatched on the return trip to Mexico.

At Cebu, Legaspi found the people who had destroyed Magellan, and the task of establishing friendly relations with them was difficult. To add to his troubles a Portuguese fleet appeared and served notice that the Spaniards were trespassing on Portuguese territory, but as Portugal had never taken actual possession of the islands, and was now at peace with Spain, no serious attempt, other than such as was involved in a lengthy correspondence, was made to prevent the Spaniards from establishing their colony.<sup>17</sup>

The missionaries entered enthusiastically upon the work of converting the natives. For eight strenuous centuries, without a year of peace, the people of the Iberian Peninsula had been engaged in a desperate struggle with the Moors. During that period there was developed a virile race which, when its energies were released, created the Spanish monarchy which for generations dominated Europe and the greater part of America. The

<sup>15</sup> B. & R., Vol. II, p. 105.

<sup>16</sup> *Relation of Legaspi*, B. & R., II, p. 212.

<sup>17</sup> For the negotiations between Legaspi and Pereira, the commander of the Portuguese fleet, see B. & R., II, pp. 245 *et seq.*

fierceness of the religious war with the Moors burned the Christian faith into the very natures<sup>18</sup> of the Spaniards and made them so loyal to the Church that they and the State itself became its slaves and failed to catch steps with the onward marching world. The last battle with the Moors was won at Granada the year Columbus discovered America. The long struggle was over. The Crescent recrossed into Africa never again to appear in Spain. Turning now to the west, Spain half-way around the world discovered new islands, and strange to relate there found herself again facing her old antagonist, the Mohammedans.

As early as 1276 Mohammedan missionaries had reached Malacca, and in 1415 their converts were found in the Spice Islands. The inhabitants of the Sulu group of islands, and of Mindanao, the largest of the southern islands of the Philippine group, had been converted, and many Moros, as they were called, were already in Luzon, far north of Manila, which itself was a Mohammedan city.

A contemporary Augustinian chronicler<sup>19</sup> says that "so well rooted was the cancer that had the arrival of the Spaniards been delayed all the people would have become Moors, as are all the islanders who have not come under the government of the Philippines." The sons of the men who fought at Granada may have fought at Manila. Thus within the span of one human life Spain broke the power of Islamism in the peninsula and checked its advance on the other side of the world.

One of the first natives to be baptized was the niece of Tupas,

<sup>18</sup> "La catholique Espagne, qui venait d'achever sa longue croisade contre les Maures, dans l'exaltation de l'esprit religieux, avait appris à confondre en un sentiment unique le zèle pour la foi et l'amour de la patrie. Toute conquête pour la couronne devait être aussi une conquête pour la chrétienté. La propagande religieuse fut dès l'origine l'un des motifs principaux des établissements d'outre-mer. Dans l'esprit mystique de Colomb, dans l'âme pieuse d'Isabelle, comme dans les imaginations plus rudes et plus incultes des Cortez et des Pizarre, l'idée de prosélytisme catholique ne cessa de s'allier à l'ambition terrestre. C'a été l'un des principaux mérites de la grande et belle histoire de Prescott de mettre en lumière l'influence que le sentiment religieux exerça sur la fondation et l'administration des colonies espagnoles en Amérique." Leroy-Beaulieu *De La Colonisation, etc.*, I, p. 3.

<sup>19</sup> Grigolva, quoted by Bourne, B. & R., I, Int., p. 34, and citing to the same effect Retana's *Zuñiga*, II, p. 222, Montero y Videt, *Historia de Filipinas*, I, p. 60.

the petty ruler of Cebu, and the new convert was soon thereafter married to a Greek who was one of Legaspi's crew. Later Tupas himself was baptized and given the name of Felipe, after his "cousin of Spain," and the prospect for amicable relations between the natives of Cebu and the Spaniards and the extension of the true faith looked very bright indeed.<sup>20</sup>

But the great island of Luzon had not yet been explored, and Martin de Goite and Juan de Salcedo, the grandson of Legaspi, with a small force of arquebusiers and sailors, sailed for the north. At the mouth of the Pasig River, in the village of "Maynila," on the spot where now stands Fort Santiago, the headquarters of American military power in the Orient, they found the natives strongly entrenched behind breastworks upon which were mounted brass cannon such as the Moros call *Lantakos*. The defense was brave and vigorous, but the natives were finally routed and the Spaniards took possession of the town.

Legaspi, being much impressed by Salcedo's account of the location and advantages of the place which he had conquered, organized a government for Cebu and with a considerable force proceeded to Manila.

The Spaniards after capturing the fort at Manila had returned to the island of Panay. When the natives saw another army approaching they set fire to their houses and fled. Without opposition Legaspi took possession of the place, and on June 24, 1572, formally founded and established what Philip later designated as the "Distinguished and ever-loyal city" of Manila in the "New Kingdom of Castilla."<sup>21</sup>

The land was immediately divided among the *religious* persons and other Spaniards in order that each person could build a house within the city. The adventurers exercised great tact and much good judgment, and in a short time the local rulers of the neighborhood were won over. The Raja Solimon, who ruled

<sup>20</sup> See Legaspi's *Relation*, B. & R., 11, pp. 140-1.

<sup>21</sup> See the document in B. & R., III, p. 250. For an account of the conquest of Luzon, see B. & R., III, p. 141.

in Manila, when approached by Legaspi with a tender of friendship, had replied, "Not until the sun is cut in two, not until I seek the hatred instead of the love of women, will I be the friend of a Spaniard." But he soon saw the light and was baptized, and, like the head of the "royal family" of Cebu, was honored with the patronymic of his new sovereign.

The missionaries began immediately to teach the catechism to the natives, who accepted the new religion passively if not enthusiastically. Great care was taken to avoid antagonizing the people, and the laws and proclamations were carefully framed for that purpose. Thus the Laws of the Indias, in contemplation of such conditions, had provided for the use of the word *pacification* instead of *conquesto* when referring to the possession or occupancy of such new countries.

Legaspi died in 1572. His figure stands in high relief in the history of the Philippines. He was of noble birth, and after practising as a notary became the mayor of the city of Mexico. His reputation for justice and loyalty secured for him the favor of the king and the command of the expedition which was to establish Spain in the East.<sup>22</sup> Legaspi was succeeded by the treasurer, Guido de Lavezares, who ruled for three years.

The youthful Juan de Salcedo, the Cortez of the Philippines, continued the conquest of the country. With but forty-five men he overran and conquered the most of northern Luzon and induced the people to submit to the Spanish rule. In fact, he appears to have taken possession of all the reasonably accessible parts of the island—all that the Spanish ever actually controlled.

Salcedo had the honor also of saving the city of Manila from destruction by the Chinese, who in 1574, under the command of the famous Limahong, made a descent upon Manila and came near destroying the Spaniards. This leader of the Chinese corsairs, who out of deference to the customs of the Western world should probably be described as a sea-faring man out of favor with the home government, was a bold and daring adventurer, a

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<sup>22</sup> J. A. Robertson, *Legaspi and Philippine Colonization* (1909), also in *Rept. Am. Hist. Assn.* 1907, I, p. 145.



sort of Celestial Sir Francis Drake, who saw visions of easy wealth, glory and empire in a country which had surrendered with so little effort to a handful of Spaniards.

Limahong organized a formidable force of four thousand men and, accompanied by women and artisans, with supplies of all kinds, crossed the turbulent China Sea with the intention of founding an empire in the Philippines. Fortunately Salcedo, who was then at Vigan, learned of the expedition and hastened southward with his troops. The Chinese force landed where all invaders have landed, near Parañaque, and under the command of a Japanese adventurer, marched upon the city over the exact road through the suburb of Malate which was followed three hundred years later by the American troops. They succeeded in entering the city, but were finally forced to retire. While the Chinese were preparing for another attack, Salcedo arrived with fresh troops and took command. In the second attack the invaders penetrated into the fort and only after a most desperate hand to hand fight were they finally routed and forced to take refuge on their boats.

Of Salcedo it was said that he was "unlucky because fate had placed him where oblivion must needs bury the most valiant deeds that a knight ever wrought."

Limahong now abandoned all hope of taking Manila, but he had no intention of returning to China, where he was very much *persona non grata* with the authorities. Sailing northward he landed in the province of Pangasiman and established what he intended should be his capital city, near the mouth of the River Agno. There he built a small fort, dwellings for his people, and a pagoda. But the Chinese authorities sent a war-ship after him, and in cooperation with the Spaniards such a formidable force was raised that resistance was impossible.

The wily Celestial sent a part of his soldiers to make a feigned attack on the approaching Spaniards while he, with the main body, passed out through one of the many mouths of the river and sailed away out of Philippine history, leaving the attacking de-

tachment to make its escape to the mountains of Benguet, where they affiliated with and were ultimately absorbed by the Igorots.<sup>23</sup>

Having conquered the island of Luzon, Governor Sande sent an expedition to Borneo, where he hoped to enter into an alliance with one of the various local sultans. On account of sickness and the lack of supplies the expedition was obliged to return, having accomplished nothing more important than the destruction of a fleet of Malay *praus*. Sande organized the first of the many expeditions against the Moros, which roused the Mohammedan pirates to fury and led to the many retaliatory expeditions that during succeeding years harried the coasts from Zamboanga to Apairi.

Within twenty-five years after the landing of Legaspi the Spaniards were in complete possession of the Philippines. The native people had been unable to make any serious resistance to the enterprise. Without unity, political organization or adequate leadership they had been easily conquered and were soon gathered within the fold by the Spanish missionaries.

The work of the first period of Spanish occupation was substantially accomplished by the end of the sixteenth century. Legaspi carried with him the system of colonial government which had been carefully worked out and introduced in the Spanish American colonies. The Laws of the Indias were simply extended to the new possessions in what was then called the Western Islands. As fast as the country was conquered the organization was extended over it and the missionaries took up the work of gathering the people within the sound of the bells.

The energy and enthusiasm displayed during this constructive period of Spanish rule were remarkable. A complete executive government was instituted, a Royal *audiencia* erected in Manila, the land and the people thereon granted in *encomiendas*, the ecclesiastical system and the monastic orders thoroughly organized and a complete body of laws for the government of the country

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<sup>23</sup> For Limahong's attack, see Governor Sande's *Relation* (June 2, 1576) in B. & R., IV, p. 24.

and the protection of the natives instituted. Substantial progress was made in the work of establishing schools for the education of the Spaniards, and a surprising amount was done toward the establishment of hospitals and other protective institutions.

Most of the problems and difficulties about which Philippine history centered during the three hundred years of Spanish rule originated and were clearly defined during this early period. The ecclesiastical and secular authorities were already quarreling, the people were protesting against the restrictions placed upon their trade, the missionaries were charging the secular authorities with maladministration, cruelty to the natives, ignoring the laws designed for their protection, and the nest of stinging Mohammedans to the south was injudiciously stirred up.

The key to the early history of the Philippines is found in the missionary character of the enterprise. The country was never really a colony; it was a mission. The main object of the conquest was declared to be the extension of the true faith. The king and the missionaries at least took these statements literally and insisted that all other matters should be subordinated and when necessary sacrificed to the conversion of the Indians. It was for that purpose that the king paid the expenses of the enterprise and the annual deficits of the government. The laws were designed to protect the natives from oppression, and without exception, apparently, the king sustained the ecclesiastics in their frequent appeals on behalf of the natives against the secular officials. The number of missionaries was increased as rapidly as possible. The Jesuits arrived in 1581. The Augustinians, Franciscans, Dominicans and Recollectos followed in considerable numbers. Not content with the spiritual conquest of the Philippines these zealous workers soon began to seek other fields for their activities. For them the islands were to be merely outposts from which to carry the Gospel to the entire East. China, Japan, Formosa and Cambodia seemed to offer boundless fields for missionary work.

Soon after the arrival of Governor Sande in 1575 the agents

who had been sent to China returned and reported that while the Chinese were willing to take goods, wares and merchandise from the Europeans they were satisfied with their own religion. Nevertheless missionaries soon reached both China and Japan, where they were persecuted and often put to death for attempting to proselyte the people in violation of the local laws and customs. Their labors resulted in nothing more than the exasperation of the Asiatics against the Europeans, and finally the king prohibited all but the Jesuits from sending missionaries from the Philippines to any other Asiatic country.

The religious character of the conquest and the support given the ecclesiastics by the king induced the latter to magnify their own importance at the expense of the secular authorities. The powers vested in the governor were always subject to the implication that they should be exercised in aid of the primary purpose of the enterprise—the conversion of the Indians. In this work the ecclesiastics were the immediate agencies, and as they, through their own intermediaries, had the ear of the king, they were from the first in practical control of the colony. It was only natural, under the circumstances, that they should attempt to dictate in secular affairs.

The policy of appointing proprietary governors, which was soon adopted, also tended to cause friction between the secular and ecclesiastical officials by cultivating a sense of importance in the governors while not in the least increasing their power. In 1584 Ronquilla proposed to the king that if appointed governor of the Philippines for life and given the concessions then usual for the discoverers and colonizers of new lands, he would go out at his own expense and take with him six hundred colonists. Philip, who was already weary of the financial burden imposed upon the royal treasury by his various colonial enterprises, gladly accepted the offer. The governors were thereafter interested primarily as proprietors rather than as officers of the king and were unable to see eye to eye with the missionaries, who as yet were free from the influence of mercenary considerations.

The Spanish kings must be given credit for entire sincerity in their efforts to secure the well-being of the natives. They prohibited their enslavement, much to the disgust of the officials. The laws, ordinances and decrees commanded the utmost consideration for their physical as well as spiritual welfare.<sup>24</sup> All sorts of checks and restraints were imposed; but they did not, it is to be feared, seriously restrain the high-handed and arbitrary officials who had interests to serve which were in no way connected with the saving of souls.

This farming out of the colony meant the exploitation of the natives, who were required to supply the wealth. The lands and the natives thereon were granted in *encomiendas* as rewards for services, real or imaginary, to persons who were charged with the collection of the tribute and the care of the people. The tributes were of course collected, but the natives were neglected and often cruelly oppressed.

All the protégés and parasites of the governors had to be provided with places which would enable them to live and prosper. Before the arrival of Ronquilla, Manila had managed to struggle along with four magistrates; but as the new governor had seventeen deserving friends to provide for the magistracies were increased to seventeen. As Bishop Salazar wrote, these people came out poor and were granted scant salaries so "they deprive the natives of the rice from the fields and of all the other harvesting products that they can get."

Salazar, who was the first Bishop of the Islands, has been called "the Las Casas of the Philippines." He was an authoritative and rather arbitrary person, who made himself the advocate of reforms and the special champion of the natives. Many abuses had already grown up in the local administration. Salazar wrote long letters to the King denouncing the cruelties of the *encomenderos* and the secular authorities, and praying for the reform of the administration. The dissatisfaction with conditions was so general that in 1586 a junta, in which all the estates were represented, met in Manila and prepared a *memorial*

<sup>24</sup> Lea, "The Indian Policy of Spain," *Yale Review*, August, 1899.

setting forth the requirements of the colony, which was carried to the king by a priest named Sanchez.<sup>25</sup>

The envoy, who really represented Bishop Salazar, arrived at Seville in 1587, and while waiting for his audience with the king took an active part in the controversy which was raging between the factions over the proper way to conduct missionary work. One party was contending that the propaganda of the faith ought to be purely apostolic; that the doctrines of poverty and humility should prevail; that violence should never be resorted to, and that those who rejected the true religion should be left to their folly. The other regarded such methods as useless and held that the true religion should be forced upon the unwilling and recalcitrant by persuasion if possible, by force of arms if necessary. Father Sanchez cast his lot with the belligerent faction.

Finally the king, after careful consideration of the memorial, determined to reorganize the Philippine service. The decree which was issued determined the amount of tribute which should be paid by the natives and its apportionment among the Church, treasury and army; the amount of customs duties to be charged and the number of troops to be maintained. It made provision for the prompt payment of salaries; the payment of the balance of the debt incurred at the time of the original occupation of the islands; the fortification of Manila, the construction of penitentiaries and the foundation of separate hospitals for Spaniards and Indians. The governor and bishop were recommended to consider the matter of establishing refuges for young women and dowries for native women who married Spaniards. The offices of secretary and notary were no longer to be sold, and the governor was thereafter to make grants of land to those only who had been three years in the islands and would actually improve the lands granted. All previous grants which had been

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<sup>25</sup> For the *Memorial*, see B. & R., VI, p. 157. After Sanchez had sailed the *cabildo* of Manila caused another document to be prepared and ordered it sent to him. It was lost when the *Santa Ana* was captured by Thomas Candish off the California coast. A copy was furnished Bishop Salazar and incorporated in his description of conditions in the Philippines. See B. & R., VII, pp. 32-51.

made to their relatives by governors and magistrates were directed to be canceled.

More Augustinian friars were to be sent to the islands, and they were to be followed by missionaries from the other orders. Of the expenses of the outgoing friars one-half of the passage money was to be paid by the king and one-half by the clergy out of the funds accruing from their share of the tribute. Slaves held by Spaniards were to be immediately set free, and natives thereafter born were declared free. Provision was also made for the ultimate freedom of all natives then held in bondage. The *audiencia*, which had been established in 1583, and which had not proved satisfactory to the ecclesiastical authorities, was abolished and a sort of advisory council provided for the governor.

Apparently at the instance of Sanchez, Gomez Perez Desmariñas was sent out as governor, with authority to name his son as his successor, and the changes and reforms were included in his instructions. In the meantime Governor Ronquillo had died and the senior magistrate of the *audiencia* was acting as governor.

Desmariñas proved to be a strong and energetic man; but as he would admit no ecclesiastical partnership in the administration of the secular government he was soon at cross purposes with Bishop Salazar. He sailed in personal command of an expedition against the Dutch in the Moluccas and was murdered by his Chinese crew, who mutinied and took possession of the fleet, thus bringing the enterprise to a disastrous end. According to one of the contemporary chroniclers, Desmariñas was "the only Governor who held office during the first quarter of the seventeenth century who was fitted for his position, and did more for the happiness of the natives in three years than all his predecessors and successors."

Bishop Salazar, after quarreling with the new governor, as he had done with his predecessor, began to long for the days when the *audiencia* had been there to share his troubles. Notwithstanding his extreme old age, the bishop determined to journey to far-away Spain and lay his claims and grievances before the king in person. His influence was very great and the visit re-

sulted in the reestablishment of the *audiencia* and the raising of the See of Manila to an Archbishopric. Salazar was appointed as the first Archbishop of Manila, but died before his investiture was officially authorized by the Pope, leaving in Philippine history the reputation of a sincere friend of the native people.

In the year 1606 Doctor Antonio de Morga, who had been the senior magistrate of the *audiencia*, published an elaborate description of conditions, from which it appears that the Spaniards had by that time substantially completed their constructive work in the Philippines. The situation changed but little thereafter until near the middle of the nineteenth century.



## CHAPTER VI

### Two and One-Half Centuries of Stagnation

Loss of Energy—Quarrels of Officials—Character of Governors—Financial Difficulties—Governor Corcuera and Archbishop Guerrero—Salcedo and Poblete—Vargas and Pardo—Difficulties of Reformers—Ferdinand de Bustamante—Capture of Manila by British—Archbishop Roja and Simon de Anda—The Indemnity and the Dishonored Drafts—A Friar's Opinion of Governor Torre—Chinese Uprisings and Massacres—Moro Raids—The *Obras Pías*—An Enterprising Governor—The Liberal Movement in Spain—Representation in the Cortes—Discontent—Description of Conditions by Mas and Matta.

There is little of general interest in the history of the Philippines during the seventeenth and eighteenth centuries. It was a long dreary period filled with the eternal quarrels of governors, *audiencias* and ecclesiastics, enlivened by occasional Moro raids and massacres of Chinese. The spirit seemed to have gone out of Spanish rule. The State felt that its work was done, and the people were left for the Church to educate and civilize. Isolated and its activities restricted by a narrow commercial policy, the beautiful land simply marked time while the world moved on its way. Once, for a few months, it was drawn within the influence of world forces. The unexpected appearance of a British fleet in the bay for a while galvanized the community into unwonted activity; but Manila was only a pawn in the European game and, unfortunately for the country, the conquerors sailed away, leaving it to take up anew its droning life.

It would be an unprofitable task even to name all the men who, each for a few years, ruled over the colony.<sup>1</sup> Many of them were corrupt, seeking only ways and means to repair their own broken fortunes.

<sup>1</sup> A complete list of Spanish governors with a brief summary of the events of each administration is printed in B. & R., XVII, p. 285 *et seq.*

*"O que triste el alma mia  
Hasta que la parte vea."*<sup>2</sup>

A few very honest gentlemen tried to do their duty under evil conditions. Occasionally an energetic governor like Enrile attempted to rouse the land from its lethargy. Fortunate indeed were the ones who escaped unscathed from the mob, the Holy Inquisition, or the *residencia*. Those who were sufficiently tactful to avoid friction with the ecclesiastical authorities earned thereby consideration for piety.

The ordinary Spanish civil official was there to accumulate a fortune, and from this he did not propose to be diverted by any religious or fanciful scruples with reference to the rights of the natives. Under such conditions more than royal mandates were necessary to secure good government in a far-away colony where public opinion did not exist, and that of the home land was ineffective. The public revenues were of course mismanaged. They seemed to dissolve on the way from the taxpayer to the treasury, and even what reached the treasury was too often misappropriated or wasted on dishonest projects. Hence, the financial condition of the colony was always deplorable. During the early years it was natural that the expenses of the government should be greater than any income which could be raised without exploiting the natives, but as time passed and the government became more settled it seemed reasonable to the authorities in Spain that the colony should become self-supporting.

About thirty years after the death of Legaspi we find the Manila procurator soliciting financial aid from Spain to meet the deficits created by official misconduct. A Royal Commission, after a full investigation of the conditions in the Philippines, reported that owing to the constant disputes, ill feeling and general bad government the islands were and would continue to be unproductive and unprofitable, and recommended that they should be abandoned. But for the opportune presence of a missionary named Morga it is probable that the king would have approved

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<sup>2</sup> "Alas, how sad a soul I bear  
Until I see what is my share."

this report. Morga protested energetically against the abandonment of the work of the Church and induced the king to announce that "even though the maintenance of the colony should exhaust the Mexican treasury his conscience would not allow him to consent to the perdition of souls which had been saved and the hope of rescuing far more in the distant region."

Brief reference to a few of the bitter controversies, some of them tragic and bloody, will give an idea of the difficulties and obstacles which obstructed the growth and progress of the country. Governor Corcuera,<sup>3</sup> who ruled with a high hand, quarreled with Archbishop Guerrero. The friars, he declared, "were lawless people;" he "would rather fight the Dutch in Flanders than them." After a stormy period, during which the churches were closed, the archbishop was overcome, imprisoned, fined and banished to Corregidor. But the governor's triumph was only temporary, as his successor, after inquiring into his conduct, caused him to be imprisoned for five years.<sup>4</sup>

Diego de Salcedo, who was governor from 1663 to 1668, carried on a constant quarrel with Archbishop Pobleta, who by the ill-advised courtesy of the preceding governor had been conceded the privilege of vetoing all his official acts. Archbishop Pobleta refused to obey certain decrees of Governor Salcedo and was finally banished to Marivales. Ultimately the archbishop was compelled to pay a heavy fine, and when he died the governor prohibited the *de profundis* mass on the ground that *its observance would interfere with the feasts by which he proposed to celebrate the archbishop's demise*. But Salcedo's triumph was also temporary. He was soon in the hands of the Inquisition,

<sup>3</sup> 1635 to 1644. Corcuera was an energetic governor who reorganized all the departments of the government and quarreled indiscriminately with friars, bishops and civilians. His reports to the king are interesting. See Rept. for 1636, B. & R., XXVI, p. 60 *et seq.* For his account of the trouble with the ecclesiastical authorities, B. & R., XXVI, p. 60.

<sup>4</sup> Lea, *The Inquisition in the Spanish Dependencies*, p. 309. After Corcuera was out of office the Augustinians prosecuted him for removing one of their buildings while constructing the defensive city walls. They secured a judgment against him for \$2,500, which he was unable to pay—a very good evidence of his honesty while in office. On his liberation Philip IV appointed him governor of the Canary Islands.

and after years of imprisonment died while on his way to Mexico for trial.

During the reign of Governor Vargas, Archbishop Pardo was banished from Manila.<sup>5</sup> When restored to his See after the retirement of Vargas, he proceeded to equalize matters by imposing the severest penalties possible upon all of his enemies. He ordered the governor to adjure his past acts, to "wear a penitent's garb, to place a rope about his neck, and to carry a lighted candle to the doors of the Cathedral and churches of Parion, San Gabriel, and San Binondo on every feast day during the four months."

Vargas claimed privilege on the ground that he was a Cavalier of the Military Order of St. James, but the archbishop refused to recognize the privilege and desisted only when the new governor threatened to send him again into banishment. Many other such instances might be cited.

After a corrupt system of government has been thoroughly established the way of the reformer is difficult and dangerous. The beneficiaries of the system feel that they have vested rights. By the beginning of the eighteenth century, financial abuses in all parts of the government of the Philippines had become so general as to make the work of reform extremely difficult. Most of the prominent officials were involved. To the interested the mass of corruption was sacrosanct, and woe to him who assumed to touch it with irreverent hands.

Ferdinand de Bustamente<sup>6</sup> was the victim of an attempt to protect the public treasury. While neither tactful nor considerate, nor always right, he seems in a large way to have had the good of the colony at heart. Having discovered irregularities in the management of the public funds, he caused the delinquents, some of them of high degree, to be imprisoned and prosecuted. The monastic orders furnished refuge in the churches to the

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<sup>5</sup> For an account of Pardo's controversy with the *audiencia*, see B. & R., XXXIX, p. 149.

<sup>6</sup> 1717 to 1719. For an account of his government and death, see B. & R., XLIV, p. 148.

enemies of the governor. Certain influential men, including many advocates, signed a statement which denied the right of the governor to arrest a certain notary who had taken refuge in the Cathedral. Bustamente thereupon lost his head and injudiciously threw the archbishop and the lawyers into jail. The feelings of the people were outraged by the imprisonment of the archbishop. The refugees came out of the churches and joined a mob which marched against the palace. The soldiers, when ordered to fire on the rioters, lowered their arms before the crucifixes and images of the saints which were carried by the friars before the advancing mob. The ill-fated governor and his son met the attack almost alone on the stairway of the palace, and both fell mortally wounded.

After his death every effort was made to blacken the character of Bustamente. So many charges were filed during the period of his *residencia* that the commission was overwhelmed and never made a report.

The capture of Manila by the British during the Seven Years' War was but an incident of that memorable struggle, but it might well have changed the course of history in the Orient. Had England retained possession of the Archipelago the new era would have opened at least a century earlier than it did.<sup>7</sup> The orders as originally issued directed General William Draper to capture Manila and then establish a permanent settlement in the island of Mindanao "which could be kept after peace." The news of the capture did not reach Europe until after the signing of the definitive treaty. Manila was therefore not mentioned in that instrument, and was returned to the Spaniards without any compensation. The king of Spain dishonored the drafts drawn by the authorities at Manila to cover part of the indemnity. It is probable that had the news of the capture reached

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<sup>7</sup> In a manifesto issued by the Filipino junta at Hong Kong about the time the American fleet sailed for Manila, the following appears in their list of grievances: "We were compelled to spill our blood by Simon de Anda against the English, who in any case would have made better rulers than the Spaniards."

Europe at an earlier date, Mindanao, at least, would have remained British territory.

There is a striking resemblance between the methods followed by the British in the seventeenth century and by the Americans more than one hundred years later. Had the latter withdrawn their troops after suppressing the native revolt, the resemblance, barring the sacking of the city by the British, would have been even greater. In both instances events followed almost the same course.

On September 23, 1762, just a week after the fall of Habana, thirteen ships with about two thousand troops under the command of General William Draper entered Manila Bay and demanded the surrender of the city. The Spaniards had not yet learned of the existence of war between England and Spain and were, as usual, unprepared for defense. The governor was absent and Archbishop Rojo was in charge. After the surrender of the city the usual controversy arose as to who was responsible for its unprepared condition. One of the ecclesiastics wrote to Madrid that "Manila well deserved it, not indeed because of its total lack of Christian procedure, but singularly because of its cursed neglect of politics, as if the whole world had to respect and fear us because of our boasting that we are Spaniards."<sup>8</sup>

Archbishop Rojo should not be blamed for the situation which the British found in Manila. The city was not properly fortified or manned for defense against an attack by an European power. It was a short-sighted policy, but it was the policy of Spain and not of the individual who was so unfortunate as to hold power at the time of the invasion. La Gentil says that the garrison was composed of Mexicans whom he described as good enough indeed but of little skill in the military art, "as they had never fired a gun."

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<sup>8</sup> Baltasar Vela to Antonio Gonzales in Madrid, July 24, 1764, B. & R., XLIX, p. 288. That Spain continued to rely on the terror of her name appears from the history of the Spanish-American War. After that war the usual controversy arose as to who was responsible for the lack of preparation for the defense of Manila.

The archbishop has been severely criticized for his anxiety to surrender the city. It should be remembered that he was an ecclesiastic, not a soldier. If we may rely upon the narrative and journal kept by him at the time, it appears that he took advantage of all available means of defense. One faction, more anxious to protect property than honor, criticized the archbishop-governor for not surrendering the city earlier, thus saving it from sack and pillage. Simon de Anda Salazar, an energetic magistrate of the *audiencia*, placed himself at the head of the faction which was determined to resist to the end, and with a single servant escaped to the provinces, where he raised the standard of revolt against the archbishop's authority and policy.

While preparing for an attack on the city, the British had the good fortune to intercept and capture one of the galleons which was arriving from Mexico, thereby securing several millions of specie which were being imported for the support of the government and the use of Manila merchants.

Although there were no adequate means for defending the city, the garrison made a brave defense. After some very severe fighting,<sup>9</sup> the city capitulated, and on October 6, the British flag was raised over Fort Santiago.<sup>10</sup>

The terms granted required the payment of an indemnity of four million pesos, of which one-half was to be paid at once and the balance in bills drawn on Madrid. It was soon found that so much money could not be raised in Manila. Much property had been destroyed and many valuables had been removed to the provinces. The heavy contributions levied on the people, together with the silver plate, church ornaments, and even the archbishop's ring and breast cross, produced but one-half of the required amount. An arrangement was then made by which

<sup>9</sup> For the details of the attack, etc., see Draper's Journal, B. & R., XLIX, pp. 81-101. For the Spanish account of the capture, see Rojo's Journal, *ibid.*, pp. 105-132; Rojo's Narrative, *ibid.*, pp. 177-261. "The Indians, though armed with bows and lances, flung themselves with desperate valor on our lines, and died by scores, biting the bayonets like wild beasts. But their valor was ill supported." Lord, *The Lost Possessions of England*, p. 175.

<sup>10</sup> The demand was for the cession to his Britannic Majesty of Manila and of the island of Luzon and the recognition of the British sovereignty until the peace between France and England should decide the fate of the islands.

the British were to receive on account the cargo of another galleon which was daily expected to arrive, providing that it had not been captured by their forces before the date of capitulation. But this galleon was not destined to fall into the hands of the British, as its treasure had already been landed on the northern coast and carried inland and delivered to Anda.

The archbishop had great difficulty in compelling the friars to deliver their money and treasure, and in the end the British became exasperated and overran the country north and south of Manila. In the meantime the redoubtable Anda, who claimed to be governor and captain-general, by legal right, as the archbishop and the other magistrates were prisoners of war and in the eye of the Spanish law civilly dead, supported by the Jesuits,<sup>11</sup> had raised a considerable force in the provinces.

The natives were willing to accept Anda as the representative of Spanish authority, but an assembly convened at Manila at the instance of the British commander proclaimed him a seditious person who deserved the death penalty. In the fight which followed, the natives were severely punished, but the British were forced to reduce their outposts and practically to withdraw within the limits of the city of Manila. The British commander who insisted that the archbishop should be recognized as the real representative of Spanish authority, now offered a reward for the head of Anda, and proclaimed his troops as "*canaille* and robbers." Anda responded promptly in kind and for a time belligerent operations were confined to abusive proclamations.

In the meantime Anda's actions had been approved by the king. The friars now came to his assistance and the position of the British was far from pleasant. Fortunately in January a frigate arrived with the news of an European armistice and in August the terms of the preliminaries of peace were received. General Draper, acting under secret instructions from the king, had already handed the country over to a Mr. Dawson Drake, of the Honorable East India Company's service, and returned to England, where, like most of the men who have won territory

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<sup>11</sup> This was one of the grounds for the expulsion of the Jesuits in 1768.



for England, he spent his declining years defending his actions.

The fighting now ceased. The much-troubled archbishop broke down under the strain and died. Soon thereafter Anda received direct news of peace by way of China. The ministry of Lord Bute had carelessly tossed an empire away without compensation. The treaty merely provided in effect that Manila, if captured, should be restored. A new governor-general *ad interim* now arrived, but considerably feigned illness and permitted Anda to receive the city from the departing British.

On his return to Spain, Anda was received with favor by the king, and later was appointed governor and captain-general of the Philippines. His administration was far from peaceful, as he seems to have been tactless and disposed to revenge himself on his enemies. After six years of strife and friction, he retired to Cavite, where he died, as one contemporary says, "much to the relief of his adversaries." He was a vigorous magistrate, who, after being deserted by the Spanish element, with the aid of native soldiers succeeded in confining the English to the vicinity of Manila.<sup>12</sup> Posterity has recognized his services for the Philippines and a monument to his memory stands in front of Fort Santiago at the end of the Malecon Drive in the city of Manila.<sup>13</sup>

Spain refused to pay the bills which had been drawn for the deferred part of the ransom money on the grounds that the authorities at Manila had no right to draw such bills, that they were induced to do so by force, and that the British, in violation of the terms of the capitulation, had given over the city to sack and plunder. The first two reasons were manifestly absurd, as ransom is never paid or agreed to be paid except under duress. Doctor von Ruville, the German author of a life of the Earl of

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<sup>12</sup> Le Roy (*The American in the Philippines*, I, p. 19) says that Anda thus "probably saved the Archipelago for Spain at the making of the Treaty of Paris." In fact he had no influence on the treaty.

<sup>13</sup> For the friar account of Anda and his work, see Zuñiga, *Estadismo de Islas Filipinas* (Madrid, 1893). For Anda's own statement, see B. & R., XLIX, pp. 263, 269. An English translation, with notes by Dr. Pardo de Tavera, was published at Manila in 1899.

Chatham,<sup>14</sup> intimates that Spain was justified in refusing to pay the bills but advances no reason for his opinion. It was a clear case of dishonoring a draft drawn by a duly authorized agent. General Draper, abandoned by a pusillanimous ministry, published an indignant defense of his conduct, in which he showed quite conclusively that no plundering was authorized after the capitulation, although, as in other such cases, there were undoubtedly many outrages and much destruction of property. The weight of the evidence sustains Draper's claim that he took all possible means to protect the city and that the excesses which occurred were only such as in that age were inevitable when a city was taken by storm by a body of miscellaneous troops such as he commanded.<sup>15</sup>

After the departure of the British matters soon fell into the old routine. The ravages of war were repaired as rapidly as the means available would permit, and Moro raids and Chinese uprisings became again the matters of most vital interest.

According to a contemporary,<sup>16</sup> Torre, the new governor, was "the most detestable robber ever seen in the East or West Indies, a man without shame or trace of Christianity. All this might be tolerated *if he took any care of the Indians*; but he has wholly abandoned the fields of Christendom, saying that a cornucopia of the islands is given to him, and that the King, our sovereign, will abandon them or give them to the French. Thereupon he has given himself over to a libertine life, so far as his morals are concerned. He looks after nothing else than selling the offices dear and robbing the king and vassals."

After deploring the conditions, the indignant ecclesiastic exclaims, "May God bring us a Governor, may God bring us a few judges, who shall recognize and appreciate the defense of the Catholic religion and of the poor Indians."

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<sup>14</sup> Albert von Ruville, *William Pitt, Earl of Chatham* (London, 1907), III, p. 67.

<sup>15</sup> For Draper's defense, see B. & R., XLIX, p. 309.

<sup>16</sup> Bernardo Pazuengos, the Philippine provincial, to Joaquin Mesquida, procureur-general, Madrid, June 7, 1765, B. & R., XLIX, p. 337. Due allowance must be made for the animus of the writers of such letters.

During the time of the British occupation, the Chinese were charged with plotting against the Spaniards. It would not be surprising if they looked with satisfaction upon the prospect of the British taking over the islands. The Spaniards always feared but could not do without the Chinese. When they increased in number beyond a certain point, they were either expelled from the islands or massacred, and a new start was made. When they were able, the Chinese retaliated in kind.

The visit of a number of Chinese mandarins to Manila in 1603 on what was considered a silly errand, greatly frightened the Spaniards, who imagined it to be the forerunner of an impending invasion. The active measures taken to prepare the colony for defense produced a feeling of restlessness and fear among the Chinese. The Spaniards circulated rumors that the Chinese intended to rise and prepare the way for the coming of their friends from China. The Chinese were as badly frightened as the Spaniards, and fearing that they would be massacred took measures for their defense. Two badly frightened parties easily get to fighting. The Chinese struck the first blow, but in the end they were annihilated. The number killed reached twenty-five thousand.<sup>17</sup>

"Some say," says Argensola,<sup>18</sup> "that the number of Sangleys killed was greater, but in order that the illegality in admitting so many into the country contrary to royal prohibition might not be seen, the officials concealed or diminished the number of those that perished." Morga says, "The Captains were occupied in this finishing the enemies for twenty days, and with it the war was ended. Very few merchants were left in Manila." In 1639 there was another massacre in which twenty-two thousand were killed, and in 1662 this was repeated.<sup>19</sup>

<sup>17</sup> Morga's *Sucesos*, in B. & R., XV, p. 273. For documents relating to the mandarins and the insurrection, see B. & R., XII, p. 142.

As a punishment for their actions the governor arbitrarily increased the amount the Sangleys must pay for licenses to do business and used the proceeds to strengthen the fortifications. The *fiscal* published a pamphlet protesting against the action as illegal. B. & R., XXXV, p. 185.

<sup>18</sup> Argensola's *Conquista*, B. & R., XVI, p. 295.

<sup>19</sup> *Events in Philippines*, B. & R., XXIX, p. 141.

After the British departed, the Spaniards and natives combined against the Chinese and slaughtered them without mercy. None were left alive in the provinces and only those in Manila who had become Christians or who were in the process of being converted.

The Moros have been an important factor in Philippine history. During the entire Spanish régime their presence in the southern islands was a constant menace to the colony. The injudicious activity of the early governors laid the foundation for an implacable warfare, which continued without cessation until the era of steam vessels made it possible to pursue and destroy the raiders. Spain never conquered the Moros. Her settlements in Mindanao and Jolo were merely military outposts.

It is difficult to overestimate the depressing effect of the Moro raids on the Spaniards and natives in the northern and central island. The cost of the numerous military expeditions was a serious drain on the never too well supplied treasury.<sup>20</sup> For more than two and one-half centuries their war *vintas* ravaged the coasts, appearing at times even in Manila Bay. For protection the people constructed many forts and picturesque war towers along the coast. Their towns were built well inland and many people abandoned their homes near the coasts and settled in the inland valleys, where they were comparatively safe from the marauders. Churches near the coast, even in northern Luzon, were often constructed like fortifications.

Many of the expeditions against the Moros were led by the governors in person, and titles and military honors were cheaply won for inconclusive victories. Numerous treaties were made with the various sultans, but the Moro country was never really conquered until the Americans arrived and adopted other methods.

The wealth which was accumulated by the monastic orders in various ways made them important factors in the commercial life of the islands. They were the largest planters and en-

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<sup>20</sup> For detailed account of numerous Moro raids compiled from various sources, see B. & R., XLI, pp. 277-324.

gaged in raising rice and all sorts of agricultural products. They loaned money and, indirectly at least, engaged in banking. The way in which the affairs of business and religion were interwoven in that curious community is well illustrated by the history of the *Obras Pias*, the Pious Works. About the year 1759 an enterprising governor-general who had managed, out of a small salary during a five-year term of office, to save a quarter of a million pesos, left that amount for pious purposes. This fund was thereafter from time to time added to by further donations from those who felt the need of some form of expiation, and also by some worthy, charitably inclined people. Prior to 1819 the fund was administered by a board representing the religious orders. Thereafter it was to some extent under the control of the secular government. In 1850 the government required the entire fund to be transferred to an institution which was then chartered, called the *Banco-Español-Filipina*, by which it was subsequently loaned for purposes which had been designated by the donors. The bank was thereafter a sort of partnership between the government and the Church. Until the *Obras Pias* became simply the capital of a commercial bank two-thirds of the fund had been loaned "to stimulate trade" and the other one-third reserved to cover losses. During the days of the galleon trade the most of this fund was invested in that commerce, although it was common for Spaniards who had been appointed *alcaldes* or governors of provinces to borrow from it sufficient money to enable them to engage in business in connection with their official duties. When the Americans took possession it was found very difficult to determine the legal status of the fund, as it was claimed by the State and by the Church.

The liberal movement which made so much progress in Spain during the Napoleonic times exerted considerable influence on the colonies. The ambitious scheme which was entertained by some of the leaders of consolidating all the Spanish possessions into a single unified empire with a legislative body sitting in the Peninsula, with representatives from all the colonies, resulted in a decree under which the Philippines were given representation

in the Cortes of 1810. The scheme was wholly impracticable because of the great distance from the Philippines to Spain. All the objections which Burke urged against representation by the American colonies in the British parliament applied with more than double force to this plan.

In the first session of the new Cortes, the Philippines were represented by "acting deputies" selected by the minister from residents of Manila, who happened then to be in Spain. The municipality of Manila chose a merchant named Ventura de los Reyes, who seems to have taken quite an active part in the work of the Cortes.

In the sessions of 1820 to 1823 the colony managed to send four of the seventeen deputies to which it was entitled, and upon being censured for not sending the full number pleaded poverty. During that session Delegate Camba served with distinction on the Committee on Etiquette. Delegates were also sent to the Cortes in 1837, but before they arrived a new constitution had been adopted under which the colonies were to be governed by special laws. The withdrawal of the privilege of representation created much dissatisfaction and some serious disturbances in the islands. The reform party continued to demand the privilege down to the end of the Spanish rule.

The political and social organization was not favorable to the economic and industrial development of the country. Neither Spaniards nor natives were by nature endowed with the qualities essential for trade and commerce on a large scale. They were not trading people, like the Dutch and English. The ecclesiastical atmosphere which enveloped the country was unfavorable to material and political growth. The priests were content if they were able to preach and pray to a docile and submissive people. What energy and ambition the European people carried out with them soon evaporated under the influence of the tropical sun. The officials, not overburdened with work, lived a languid inactive life.<sup>21</sup>

<sup>21</sup> "With very few exceptions all the government offices in Manila were closed to the public during one-half the ordinary working day, the afternoon, and many of the Civil Service officials made their appearance at their desks

Trade and commerce were subject to so many restrictions that expansion was impossible. The export trade was in the hands of foreigners. The Spanish and native merchants, with a few exceptions, were little more than *tiende* keepers. There were few opportunities for growth and probably few persons with the inclination more than to exist.

Occasionally a new governor-general created a diversion by trying to rouse the colony out of its lethargy, but the ineffectiveness of all efforts soon became apparent and the community relapsed into its normal state. It was always, probably, as it is to-day, a great place for schemes and reform organizations, societies to effect this and associations to accomplish that.

In the early part of the nineteenth century some very creditable public works were designed and even constructed. Governor-General Aguilar built highways and paved and lighted the streets of Manila. The same enlightened governor gave much attention to the development of the domestic industries to which the country and the people are so well adapted.

Pascual Enrile, who became governor-general in 1830, seems to have been a zealous, energetic and intelligent executive who was ambitious to improve the condition of agriculture. In company with an engineer he traveled about the island making new maps, surveying the bays and rivers and designing roads and bridges, many of which he caused to be constructed.

Enrile induced the officials, merchants and planters to organize the famous *Economic Society of Friends of the Country*, which continued to exist until 1890. But these scientific engineering studies and bursts of energy produced no lasting effects, because neither the people nor their leaders had the tenacity of purpose nor the persistence in well-doing that was necessary for success.

There are two contemporaneous narratives which give a fair and accurate description of conditions in the country just before the opening of the last period of Spanish control. Like the

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about ten o'clock in the morning, returning shortly after midday when they had smoked their habitual number of cigarettes." Foreman, *Philippine Islands*, p. 219.

narrative of Morga, which described conditions at the end of the constructive period, they are critical and rather pessimistic in tone.

The first is an extremely interesting report by Sinibaldo de Mas, on political conditions in the Philippines in 1842.<sup>22</sup> It was intended for official use only and but a few copies were printed, and they were distributed with care.

According to Mas, if Spain intended to continue her control she must take prompt measures *to reduce the white population*, subordinate the natives, and reform the administration. The whites encourage independence. The island-born Spaniards regard the country as theirs and have no affection for Spain. They are lazy and ignorant and concerned only with getting government positions, of which there are but four hundred for more than one thousand applicants. They object to the appointment of real Spaniards. Spain must either decide to keep the islands permanently, neglect them absolutely, or emancipate them. As the second alternative is not to be considered, he considers only the other two.

Only single men should be sent to the islands, and they should be returned to Spain after twenty years' service, with the option of returning in ten years. They would probably marry native women and take their families back to Spain with them, thus reducing the white population. No women should be sent from the Peninsula. All boys should be sent to Spain at the age of sixteen years and educated there at the expense of the Philippine treasury. Separation from Spain would probably mean the disappearance of the whites by absorption. The whites and natives will not work together. The salvation of the natives is agriculture, but they are too lazy for such work. A system of industrial servants would enable them with the help of the Chinese

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<sup>22</sup> This review is in the third volume of Mas' Report, B. & R., LII, p. 29 *et seq.* "This document, while containing many things which are general in nature, and which even appear childish and visionary, is in many other things clear sighted, and shows deep and keen observation." B. & R., LII, Preface, p. 14. It is probable that Mas purposely so framed the statement of measures necessary to preserve the Filipinos in order to strengthen his argument in favor of preparing the country for independence.



and captive Moros to work their fields. A certain number of Chinese could be safely admitted to work on the plantations.

Greater respect for the whites must be secured. To that end the education of the natives should be restricted, and the colleges at Manila closed. Natives should not be taught Spanish nor should soldiers be allowed to rise above the rank of corporal. The native priests should be reduced in number and be allowed to act only as assistants to the regulars. The laws of the Indies he considered were too favorable to the natives who were becoming impudent and arrogant and would soon drive the Spaniards out of the country. They should be required to wear a distinctive dress, salute all Spaniards, and be forbidden to use the title of Don. They should not be allowed to learn how to cast artillery or make firearms or powder. In fact, the powder factory should be suspended.

Only men of good character should be appointed to office in the islands, and then they should be paid liberal salaries and be required to spend their money liberally. As religion is the mainstay of the islands, the regular *curés* must be given as much power as possible and officials *must work in harmony with them*. They should have the power of intervening in the meetings of the *principalias*.

The friars should abstain from trade, live morally, and not meddle in temporal affairs. They should all be Spaniards, and in order to enable them to maintain the respect of the natives, the government should collect marriage and burial fees, in the form of a specific tax, and thus relieve them from this disagreeable duty. The whites also should pay more attention to their religious duties, thus setting a good example.

It would be well, he thought, to farm out the work of collecting the taxes to natives, as it is odious work which engenders much hatred and ill will. Hatred between the Chinese and the Filipinos should be cultivated. The former were the richer and abler and if the country was left to itself, would soon control everything. There should be a respectable Spanish force in the country to prevent the native troops from mutinying.

It was also necessary that steam vessels should be furnished in order to enable the authorities to repel the Moros and suppress uprisings among the natives. Newspapers under proper censorship should be allowed, and the priests should translate suitable articles into the native dialects. Foreigners living in the islands should be carefully watched. The administration of the government was honeycombed with laxity and graft and should be completely reformed. It should be centralized and vested in a regency of three men, the president being a Spanish grande, which should exercise the powers of the governor-general and the *audiencia*, with a council of state. The judiciary should be made independent of the other government departments. All power in the provinces should be in a chief who should be sent from Spain. The treasury methods should also be completely changed so as to prevent graft.

But if Spain decided to give the Philippines their independence a system diametrically the opposite should be adopted. It should be so devised as to avoid bloodshed and provide for good relations in the future. Mas then outlines a procedure which is startlingly similar to that which later was adopted by the United States. If future emancipation is the ultimate end, public instruction, he thought, should be encouraged, and newspapers established in Manila. The barriers which separate the races should be broken down. The Spanish, Chinese and Filipinos should be admitted on terms of equality to the military corps. The present service tax should be abolished or an equal and general tax imposed on all. To encourage cross-marriages, dowries should be paid. Some Filipinos and mestizo *alcaldes-mayores* should be appointed. It should be ordered that when a Filipino chief goes into the house of a Spaniard he should be received as an equal. In a word, by these and other means, the idea that they and the Castilians are two people of distinct races should be erased from the minds of the natives, and the families should become so related by marriage that when free of the Castilian dominion, should Filipinos try to expel or enslave the Spanish,

they would find them so interlaced with their own people that the plan would be practically impossible.

After some years "when this population was sufficiently trimmed off" an assembly of deputies should be formed from the people, in order that they may hold sessions in Manila, for two or three months every year, when they may discuss public affairs, especially those relating to taxes and budgets. After a period of political education the Spanish government could be withdrawn, fixing first the kind of government to be established, probably some constitutional form analogous to those of Europe with a royal Spanish prince at its head.

Mas favored this plan of emancipation. Spain, he argued, had received no benefit from her colonies. The true interest of a state is in a dense, well educated population—that general education which makes each one perfect in his trade; that education which makes a cabinet maker, a weaver, or a blacksmith.

Colonies may be useful to the mother country because they increase her income, supply a place for the emigration of surplus population, and a market for the products of the home manufactures.<sup>23</sup> As to the first, the Philippines are and for a long time will remain a poor country, and Spain has neither surplus population nor manufactures. The trade with the islands amounts to practically nothing, and what there is would be retained if the country were emancipated. Spaniards could return to Spain.

Mas was not concerned as to the future of religion in the islands, and as to the argument that the country would fall into the hands of the British, Dutch or Chinese, he asked why should Spain set up as a knight errant, a kind of Don Quixote self-charged with the protection of all kinds of people? As to the claim that as Spain had spent over three hundred million pesos in the islands, she should be reimbursed—she had spent as much on the Holy Land and did not expect to be reimbursed! If the Filipinos had to pay heavier taxes under their own government,

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<sup>23</sup> Lewis' book on *The Government of Dependencies*, in which this classification was made, had been published in 1841 and Mas was evidently acquainted with it.

that was their concern. "If," says he, in language which sounds strangely familiar, "we are conserving the islands for love of the islanders, we are losing our time and merit, *for gratitude is sometimes met with in persons, but never can be hoped for in peoples*. Why claim liberty for ourselves, and yet wish to impose our law on remote peoples? Why deny to others the benefits we claim for ourselves?"

However, as conditions were in Spain, he believed that the colony would be neglected. None of the measures he had suggested would be adopted, and the Indians would in time emancipate themselves. It would be easier and more glorious to show generosity, so that the world could say, "The Spaniards, crossing new and remote seas, extended the domain of geography by discovering the Philippines. They found anarchy and despotism there and established order and justice; they destroyed slavery and established political equality; ruled the natives with just laws; Christianized and civilized them; defended them from the Chinese, from Moro pirates and European aggressors. *They spent much gold on them and then gave them their liberty.*"

How different the course of Philippine history had this advice been heeded!

About the same time, Don Manuel de la Matta, the *intendant* of the army and treasury, made a confidential report<sup>24</sup> to the governor-general on the conditions which existed after the trouble with Apolinario and the mutiny of 1843. According to this report the situation was very delicate, in fact, about as bad as it could be. Radical reforms were necessary. A condition approaching anarchy existed and the army was demoralized. He advised that the laws should be revised to suit the character of the natives; the government centralized; and various educational institutions should be abolished, because they were "perpetual nurseries of corruption, laziness, and subversive ideas as contrary to the quiet and welfare of the villages as to Peninsular interests." From these institutions came "the swarms of ignorant and vicious secular priests, and the pettifogging lawyers, who stir

<sup>24</sup> Printed in B. & R., LII, p. 91 *et seq.*

up so much trouble among the natives, and cause the provincial chiefs so great inconvenience. Although not much attention is paid to this class they are the most vicious and worthless in the islands."<sup>25</sup>

In the place of these colleges, agricultural, commercial and trade schools should be established.

The *residencia* should be abolished, as it had done much harm and no good. Agriculture must be developed by whites, mestizos and Chinese who will be loyal to the government. There should be extensive military and police reforms. Schools should be established where the Spanish officers could learn the native dialects. Peninsular- and Filipino-born Spaniards should be conciliated so they would work together. Merit only should determine advancement in the public service.

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<sup>25</sup> Lawyers seem always to have been unpopular with persons officially responsible for the government of colonies. Sir John Bowring after visiting Manila wrote: "As far as my experience goes lawyers are the curse of colonies. I remember one of the most intelligent of the Chinese merchants, who had settled at Singapore, after having been long established at Hong Kong, telling me that all the disadvantages of Singapore were more than compensated by the absence of the profession, and all the recommendations of Hong Kong more than counterbalanced by the presence of gentlemen occupied in fomenting and recompensed for fomenting litigation and quarrels. Many of them make large fortunes, not unfrequently at the expense of substantial justice. A sound observer says that in the Philippines truth is swamped by the superfluity of law documents. The doors opened for the protection of innocence are made for chicanery, and discussions are carried on without any regard for the decorum which prevails in European courts." Bowring's *A Visit to the Philippine Islands* (1859), p. 187.

It is interesting to note the efforts which have been made to exclude lawyers from colonies. Heaps (*The Spanish Conquest of America*, III, p. 17) says that as soon as any colony was in the least degree established in the new world, the colonists almost in their first communication with the sovereign were sure to entreat him "to prohibit lawyers from coming out." He cites numerous illustrations from the history of the Spanish-American colonies and adds: "It would almost seem as if each colonist had undergone some dreadful experience with the law and felt . . . it was too much for a man who had to fight against new diseases, noxious animals, a trying climate, and surrounding barbarians, to be also molested by the cruel frivolities, the fatal forms, the needless precautions which soon became snares, the subtlety applied to verbiage and to dialects which no skill can securely arrange and no dialectics can disentangle, and all the vast delay which belongs to great lawsuits in highly civilized communities. These things can only be borne when the rest of life is smooth."

The unfortunate Jews were generally classed with the lawyers and also excluded. Both were excluded from certain of the New England colonies, and to-day no lawyer or Jew is permitted to live in Sarawak, the land of the white Rajah.

These two reports convey a clear idea of conditions in the Philippines about the end of the first half of the nineteenth century.<sup>26</sup> The removal of trade restrictions, the free admission of foreigners, and the gradual introduction of modern liberal ideas rendered reforms inevitable and the blind resistance of the authorities led to insurrection and the downfall of Spanish power.

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<sup>26</sup> When Lord Elgin, returning from his second mission to China, in 1861, visited Manila, he found conditions very satisfactory. "They (rulers and natives) are not separated from each other by that unpassable barrier of mutual contempt, suspicion, and antipathy which alienates us (the British) from the unhappy natives in those lands where we settle ourselves among inferior orders of men. . . . One feels a little softened and sublimated when one passes from Hong Kong, where the devil is worshiped in his naked deformity, to this place, where he displays at least some of the feathers which he wore before he fell. . . . The natives seem to have a great deal of our dear old French Canadian *habitans* about them, only in a more sublime stage of infantile simplicity." Wrong, *The Earl of Elgin*, p. 279.

## CHAPTER VII

### The Awakening and Revolt

A New Era—Changing Conditions—Attack on Monastic Orders—Revolts and Insurrections—The Cavite Revolt—Execution of Native Priests—The Movement for Reforms—The Propaganda Abroad—José Rizal—The Idea of Independence—Insurrection of 1896—The Katipunan—Execution of Rizal—The Pact of Biak-na-bató—Departure of the Leaders.

The opening of the Suez Canal in 1869 brought the Philippines into more direct relations with Europe. Thereafter they faced toward Spain instead of Mexico. After the early adventurers and *encomenderos* had disappeared, the Spanish in the islands other than the officials and soldiers, were limited to the favored merchants of Manila, who were allowed to participate in the galleon trade, and an occasional planter in the provinces. The small army was composed of Mexicans and Filipinos and the officers were mostly half-castes. The members of the religious orders constituted the largest and most influential element in the community. Comyn says that in 1810, including the mestizos, there were not more than four thousand Spaniards of all classes in the Philippines. The loss of the American colonies brought many of the Spanish officials and a few planters from America to the Philippines, but with certain notable exceptions this immigration was of no particular benefit to the community. In 1848 there were seven thousand five hundred forty-four Spaniards and mestizos in Manila and Tondo and two hundred forty-two in the provinces. Of these probably two thousand were officers and soldiers.

In 1852 a direct line of steamers was established between Barcelona and Manila, and in the same year the first regular

bank was opened in the islands.<sup>1</sup> "The old situation," wrote Jagor, "is no longer possible of maintenance, with the changed conditions of the present time. The colony can no longer be shut off from the outside. Every facility in communication opens a breach in the ancient system and necessarily leads to reforms of a liberal character. The more that foreign capital and foreign ideas penetrate there, the more they increase prosperity, intelligence, and self-esteem, making the existing evils more intolerable."

The general restlessness began to find expression in political activity which in part was a reflection of the revolutionary movement in Spain that was to lead to the establishment of the short-lived republic. A new governor-general who represented Spanish liberalism was sent out, but the doctrine that the victors have a legitimate claim to the spoils and perquisites of office which had always been accepted in Spain, was now applied with great thoroughness in the Philippines. The change of administration brought some hope of better things and some reforms were effected, but the Filipinos were impressed principally by the fact that the new supply of officials would require new taxes for their support.

The friars had few friends left among the Filipinos, whom they had given up as ungrateful and hopeless, thus completely stultifying their claim to great accomplishments in the islands. Of the old missionary spirit only the dregs of bitter controversies remained. All sympathy and kindness had disappeared. The Dominican newspaper in Manila continually referred to the Filipinos as monkeys. At the public exercises of the University of Santo Tomas, an official, before two thousand students, recited a poem which represented the native people as mere animals who lived like the beasts of the field. "These verses," wrote a prominent friar to Minister Monet, in 1897, "brilliantly set forth the savage instincts and the bestial inclinations of those faithful imitators of apes. . . . As neither Spain nor the friars can change the ethnological character of the race, so inferior to ours,

<sup>1</sup> The Spanish Filipino Bank, known as the Bank of the Philippines.



it will be idle to apply to them the same laws as to us. . . . The only liberty the Indians want is the liberty of savages. Leave them to their cockfighting and their indolence, and they will thank you more than if you load them down with old and new rights."<sup>2</sup>

Many of the liberal officials who came out from Spain brought with them the anticlerical feeling which so embittered the home politics. They became temporarily popular with the Filipinos and aided in destroying what remained of Spanish prestige by weakening the racial unity upon which it largely depended. The people, including the Spaniards born on the islands and the half-castes, had begun to feel conscious of a common race interest. A sentiment of nationality was developing. The friars were considered as foreigners and their expulsion was demanded on the grounds that they were absorbing the wealth of the land, stifling the intellectual freedom of the people, and excluding the Filipino priests from the parishes. The friars in their defense struck savagely and for the time effectively at their enemies.

During the long years of Spanish rule there had been many insurrections and local uprisings against the authorities, but with few exceptions they had been caused by the oppressive acts of local authorities.<sup>3</sup> Two revolts in the early part of the nineteenth century probably resulted from discontent with general political and social conditions. The Liberal Spanish Cortes of 1810 declared that "the kingdoms and provinces of America and Asia are and ought to have always been reputed an integral part of the Spanish monarchy, and for that reason their natives and free inhabitants are equal in rights and privileges to those of the Peninsula." This declaration was received by the Filipinos with much satisfaction, particularly as it would, if made effective, relieve them from the burden of forced labor on public works. The return of Ferdinand in 1813 crushed all these hopes, and the people of some of the provinces in their anger

<sup>2</sup> Le Roy, I, p. 62, quoting from the letter in *La Política de España en Filipinas*, VII, pp. 35-37.

<sup>3</sup> For an account of the early insurrections, see B. & R., XXXVIII, p. 87.

began destroying churches, public property, and particularly the private property of their native leading citizens. This revolt was against the social order which was sustained by Spanish rule.

In 1823, the government attempted to replace the Spanish-American and Philippine-born officers of the army with Peninsular-born Spaniards. The officers who were deprived of their positions led a revolt of native troops, and gained possession of everything within the walled city of Manila except Fort Santiago, before they were overcome.

A much more serious uprising occurred in 1841. A young Filipino priest named Apolinario who had developed some of the qualities of leadership, upon being denied the privilege of establishing a native brotherhood in honor of St. Joseph and the Virgin, launched an independent church with himself as Supreme Pontiff, and raised the standard of revolt against the friars. He succeeded in securing such a following that it was necessary to fight a severe battle before he was defeated and killed.

The importance of an outbreak of native soldiers in Cavite in 1872 was greatly increased by the way in which the authorities proceeded to suppress it. It occurred during a period of reaction from the sympathetic policy which had been tried by Governor-General de la Torre. Even the Spanish Liberals had gone over to the reactionaries and were favoring a "strong" policy. Governor-General Izquierdo acted vigorously, but very unwisely. Many natives of good standing in the capital, who in the past had actively but peacefully worked for reforms, were arrested and charged with complicity, and three priests, Burgos, a Spaniard, Zamora, a Chinese mestizo, and Gomez, a Filipino, were executed.

The action of the government showed the utter incapacity of those in control for the work of either suppressing a revolt or directing the reform movement in the islands. They could conceive of no way to meet the issues other than by fiercely

destroying their opponents and all who sympathized with them. The evidence against the priests was submitted to a court-martial which sat in secret, and the record was never made public. The idea was to impress the imagination of the people by the swiftness of the punishment. The mystery with which the trial was surrounded merely caused them to believe that their friends, though innocent, had been secretly murdered on the orders of the enemies of the liberal movement.

This is the universal feeling of the present-day Filipinos. In 1877 their side of the story was told in an article in the *Revue des Deux Mondes*<sup>4</sup> by a Frenchman named Plauchut, who resided in Manila at the time of the trial. The official version is given by Montero y Videl, who was also a contemporary resident.<sup>5</sup>

According to the friars the Cavite insurrection had the same origin and was "the result of the same causes as those of France, Italy and Spain, or rather of Europe and America. They are all the fruit of the corruption of the intelligence and the heart. Tell man, you are free to think and to will, because reason recognizes no dependence and will follows reason, and you have put into action the principle of disorder and anarchy which so dominates society."<sup>6</sup>

Soon after the execution of these priests, Rizal, who was himself soon to join the goodly army of martyrs, dedicated his political novel, *El Filibusterismo*, to their memory in the following language:

"The Church by refusing to degrade you has placed in doubt the crime which had been attributed to you; the government by surrounding your case with mystery and shadows, has caused the belief that there was some error committed in fatal moments; and all of the Philippines by worshipping your memory and call-

<sup>4</sup> May 15, 1877.

<sup>5</sup> Plauchut's version is denounced by the friars, but in an article published in the *Philippine Census*, I, pp. 575-579, it is approved by Dr. Pardo de Tavera. In the unpublished appeal for the intervention of the United States presented to the American Consul-General at Hong Kong in 1897 there is an account of the popular understanding of the Cavite insurrection. See Le Roy, *The Americans in the Philippines*, I, p. 58, note.

<sup>6</sup> The *Reseña* of Father Casimiro Herrero, quoted by Le Roy, I, p. 59, note.

ing you martyrs refuse to recognize your culpability. . . . Let these pages serve as a tardy wreath of dried leaves upon your unknown tombs, and let it be understood that every one who, without clear proof, attacks your memory stains his hands in your blood."

The general reform movement was perfectly legitimate, and would have been legal had it been carried on in Spain itself. It was seeking necessary and reasonable reforms by methods which would have been proper in any free country. The violent repressive measures by which it was opposed led to an outbreak of race hatred and war. The natives had at last gained sufficient courage to assert themselves against the friars. In Malolos and in certain districts of Manila, controversies with the friars over personal tax lists were appealed to the civil authorities. This seems to have been an unprecedented proceeding. The tenants of the Colamba friar estate publicly aired their grievances against their Dominican landlords, and for their boldness a number of them appear later to have been deported by General Weyler. Demonstrations against the friars and the archbishop also took place in Manila.

The queen regent was earnestly petitioned to remove the friars from the islands, but the aggressiveness and all-advised methods of the Filipinos produced a reaction against them in Spain. The church authorities there were strong enough to have the provisions relating to civil marriage and registration, things much desired by the reformers, omitted from the new civil code which was to go into effect in the Philippines in 1889.

But the policy of the government had created conditions which enabled the reformers to get a hearing before the world. After the Cavite mutiny of 1872 many prominent Filipinos were sent into exile and deportations under the discretionary power of the governor-general and on the instigation of the friars and half-caste sycophants became thereafter very common. All classes of the people were subjected to this arbitrary method of punishment. One workman was deported for being a subscriber to such an inflammatory publication as the *Scientific American*. The

more active and intelligent of the *déportés* found their way to Hong Kong, Singapore, Paris, London and Madrid, where by the late eighties they had organized a very extensive propaganda for the extension of liberal ideas and methods in the Philippines.

Most of these propagandists were superficial young men without adequate capacity or training for such work. There were, however, some effective workers among them. In 1888 Graciano Lopez Jaena, a Vizayan from Capiz, founded in Madrid a paper called *La Solidaridad*, which became their organ. Among its contributors were Marcelo del Pilar, José Rizal, the Bohemian Ferdinand Blumentritt, and certain Spanish Liberals. Pilar was a lawyer, who, after publishing a Tagalog daily in Manila, was sent abroad by wealthy Filipinos to aid in conducting the propaganda. He finally became discouraged and joined those who advocated the use of force.

José Rizal, who was destined to become the Filipino national hero, was the son of common people who were tenants on the friar Colamba estate near Manila.<sup>7</sup> It is commonly said that Rizal was a pure blood Tagalog, but recent investigations have shown that he, like many other successful Filipinos, had a strong infusion of Chinese blood in his veins.

Having an active mind Rizal soon exhausted the educational opportunities of Manila and with the aid of friends was enabled to continue his medical studies in Europe. After a short stay in Paris he went to Germany and studied at Heidelberg, Leipzig and Berlin, where he made many friends among scientific men.

His first political novel, *Noli me Tangere*, published at Berlin in 1886, when Rizal was twenty-six years old, was "the passionate cry of a Malay who felt himself the equal of any white man, had proved himself in the halls of learning, and was so received by the scholars whom he met in Germany, for a fair chance for his race." His second novel, *El Filibusterismo*,

<sup>7</sup> Austin Craig: *Lineage, Life and Labors of José Rizal*, Manila, 1913. For estimates of his character and work, see articles by Sir Hugh Clifford in *Blackwood's Magazine* for Nov., 1902, and by Dr. Blumentritt, in the *Popular Science Monthly* for July, 1902.

which was published at Ghent in 1891, was a powerful appeal to his people to arouse themselves from their lethargy and prepare for the future.

Rizal consistently opposed the use of force, at least until some indefinite time in the future, when the Filipinos should have been educated and developed to a point where there would be some reasonable chance for success. The American government has encouraged the Filipinos to regard him as their great man. As President Roosevelt said: "In the Philippines the American government has tried, and is trying, to carry out exactly what the greatest genius and most revered patriot ever known in the Philippines, José Rizal, steadfastly advocated." Judged by American and European standard he was a man of ability, character and high ideals. He taught the Filipinos that only by raising themselves through education and self-restraint to a higher level of intelligence could they hope permanently to improve their condition. He certainly contemplated the independence of the islands at some future time, which in an indefinite way he set half a century away. The *Liga Filipina*, which he organized in 1891, was designed according to the instrument of its creation "to raise the arts and sciences," and he may have contemplated the possibility of accomplishing this laudable purpose by means which it was not then necessary to state in detail. It is certain that they had not been raised "to any great altitude under Spanish domination."

The novels of Rizal, the newspaper *La Solidaridad* and other publications which gradually found their way into the islands, produced a profound impression on the minds of the more intelligent and educated Filipinos. The foundation was thus laid for the organization of the people. The *Liga Filipina* seems to have accomplished very little in its original form. After the exile of Rizal it disappeared and was succeeded by the secret organization known as the Katipunan. The most effective work was done through organizations which are alleged to have been Masonic Lodges. The membership of what was called the Spanish-Filipino Association of Madrid, was almost identical

with that of certain Masonic Lodges. Miguel Morayta, the editor of *La Solidaridad*, was the head of the Grand Lodge of Madrid called the *Orienté Español*. It is certain that the Filipinos adopted a system of Masonic secret lodges in order to carry on their work. Under the authority of the *Orienté Español* a "Grand Regional Lodge" was organized in Manila with subordinate lodges throughout the islands. It is not material for present purposes whether these lodges were true Masonic bodies or merely political secret societies organized on the model of Masonic Lodges. Whatever their character they were agencies for the dissemination of revolutionary ideas among the Filipinos of the better class.<sup>8</sup>

In 1892, with the consent of the authorities, Rizal returned to Manila to find himself the *bête noir* of the friars whom he had attacked and flouted in his novels, and an object of suspicion to Governor-General Despujol, who, although not a protégé of the friars, was much under their influence. While in Manila attempting, without concealment, to organize the *Liga Filipina*, he was suddenly ordered deported to Dapitan, a small village on the northeast coast of Mindanao. There he remained for four years quietly engaged in practising his profession and in various ways improving the condition of the people of the village.

For some time before Rizal's return to the Philippines many of the leaders of the propaganda had begun to feel the necessity for an organization which would more effectually reach the masses of the people. Del Pilar, although naturally a conserva-

<sup>8</sup> It is claimed that these lodges were all spurious, as the Grand Lodge of Spain only had authority to represent the Freemasonry of England and Scotland in Spain and in the Spanish possessions. The lodges organized in the Philippines under its authority took no part in the political propaganda. See a pamphlet by Viriato Diaz-Perex, entitled *Los Frailes de Filipinas* (Madrid, 1904) and an article in *La Epoca*, Aug. 15, 1896. For an arraignment of masonry, see Friar Edouardo Navarro's *Filipinas; Estudios de algunos asuntos de actualidad* (Madrid, 1907); St. Clair, *The Katipunan, or The Rise and Fall of the Filipino Commune* (Manila, 1902).

"Only slight familiarity with Filipino character and history is needed to comprehend how such a secret organization, with its signs, symbols, mysteries of initiation, etc., would, even were its special aims not at the time constantly in the minds of the Filipino leaders, spread with exceeding facility. It called into play certain characteristics and propensities for secret, one might almost say blackhanded, procedure in which the Filipinos sometimes seem to revel." Le Roy, *The Americans in the Philippines*, Vol. I, p. 81.

tive and opposed to violence, had broken with Rizal and gone over to the more belligerently inclined faction, which was attempting to organize a popular body which would supplement and if necessary supplant the *Liga Filipina*.

Immediately after Rizal's exile to Dapitan the Supreme Council of the Katipunan was organized in Manila with a brother-in-law of Del Pilar at its head. Designed to reach the lower orders, the Katipunan soon passed under the control of one of that class, Andres Bonifacio, a porter in the warehouses of a German exporting firm. Bonifacio was a Tagalog who seems to have read considerably in the literature of French and German socialism and political philosophy.

He planned to organize an armed revolt against the Spanish government. Rizal, who at first sympathized with and probably joined the society, refused peremptorily to countenance its program, but it had reached the popular heart and was encouraged by certain wealthy Filipinos who had long been contributing money for the propaganda and were beginning to look for results. Rizal's reply to the request for his support was suppressed and the work of organizing subordinate lodges proceeded so rapidly that the society soon had from one hundred thousand to four hundred thousand members, who were pledged by fearful oaths and bound by the ancient *pacte de sangre*, or blood covenant. There is no question but that the Katipunan was organized for the purpose of rebellion and revolt, and Bonifacio and the great mass of its ignorant members intended that the uprising should be a bloody one. While it can not justly be called a mere murder society, it certainly contemplated a secret blow at the community and the death of every Spaniard within its reach, just as a few years later the leaders of the revolt against the Americans plotted the destruction of the city of Manila and its white residents. The ghastly oaths which the initiates were required to take need not be taken too seriously by those who are familiar with the initiation ceremonies of perfectly innocent and innocuous secret societies in other countries. Nevertheless, the majority of the impressionable and ignorant members un-



doubtedly took such matters seriously and supported with enthusiasm a plan which was designed "to shake off their masters, get rid of the whites, and divide up the big estates not only of the friars but of Filipino landlords as well."

On June 12, 1896, the Supreme Council of the Katipunan issued an order which contained the following instructions.<sup>9</sup>

"When once the signal of H. 2. Sep. is given, every brother will fulfill the duty which this Grand Regional Lodge has imposed upon him, assassinating all the Spaniards, their wives and sons, without considerations of any sort, whether relationship, friendship, gratitude, etc."

Detailed instructions were given for the accumulation of the bodies of the slain on Bagumbayan field, where they were to be buried at a place where a monument should in the future be erected in honor of the independence of the country.<sup>10</sup> The bodies of the friars were directed to be burned. This document is probably authentic, although the original seems not to have been produced. It finds confirmation in many similar documents captured during the subsequent insurrection against the United States.

During the spring and summer of 1896 rumors of plots and uprisings were rife. Governor-General Blanco sympathized with the legitimate aspirations of the people, but he was already in the bad books of the friars and was unable to do more than steady the situation. For once the danger was real. The Katipunan leaders had determined to resort to arms, but before they were ready the plot was discovered by one Mariano Gil, the Augustinian curate of the Tondo parish of Manila. A sister of

<sup>9</sup> See the documents in full in Sastron, p. 54, and in Nozaleda's *Defense Obligada*, Appendix 9; Archivo, III, No. 19, *Documentos políticos de actualidad*, and in English as an appendix to St. Clair's book entitled *The Katipunan, or The Rise and Fall of the Filipino Commune* (Manila, 1902); Le Roy (I, p. 99, note) pronounces this work utterly unreliable, even questioning the existence of such a person as "Arthur St. Clair," notwithstanding the accompanying portrait of the author. It will be understood that the Filipinos deny the authenticity of this document. They generally claim that the Katipunan was an innocent patriotic society and have recently erected a monument to Bonifacio, as the "hero of the common man."

<sup>10</sup> The Rizal monument erected by the government in 1913 stands very near the place selected in 1896 by the Katipunan.

one of the members of the society, a workman in the government printing office, had told the story in the confessional. The government struck promptly. On August thirtieth martial law was declared in Manila and the surrounding provinces. Many arrests were made, five hundred in Manila on the first day after the disclosure. Soon the prisons of Manila were crowded. At one time over four thousand prisoners were crowded into the suffocating jails awaiting trial before the military tribunals. When Blanco resigned early in December, nearly one thousand Filipinos had been deported to the Mariana Islands and the Spanish penal colonies near Africa.

Bonifacio had received timely warning and escaped to Calloocan, where, notwithstanding the surprise and condition of unreadiness, he ordered hostilities to commence. Fighting of a desultory character followed in the vicinity of Manila and to some extent throughout Luzon and elsewhere. The movement soon centered in Cavite Province, where it developed under the leadership of an active young Tagalog named Emilio Aguinaldo. But the uprising was far from general. It was confined almost entirely to the Tagalogs and many of their leading men hastened to assure the Spanish authorities of their loyalty. "While it is beyond question," says Le Roy,<sup>11</sup> "that there was a general and a natural race feeling of sympathy for the insurgents, it is also true that there was a very general feeling on the part of the more conservative and capable Filipinos, of practically all the educated men who ought in any national movement to be the leaders, that the revolt was wholly premature."

At the time of the uprising there were about fifteen thousand regular troops scattered throughout the Archipelago, of whom three hundred Spanish artillerymen and two thousand five hundred loyal native infantry were in Manila. In addition there were about four thousand of the Civil Guard who constituted a sort of constabulary force. Uncertainty as to the attitude of the native troops for a time paralyzed active military operations. During the period when an effort was being made to assimilate

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<sup>11</sup> Le Roy, I, p. 93.

the Philippines with Spain the native regiments had been numbered as though actually incorporated in the regular Spanish army. For a time these regiments loyally sustained the burden of the fighting, and some of them remained loyal to Spain until the end. The lack of unanimity of opinion in support of the insurgents is shown by the ease with which voluntary military organizations of various kinds were raised throughout the islands. General Blanco, still hoping for the success of his policy of attraction and conciliation, issued on October eleventh a circular in which he directed the provincial governors "to take care not to order imprisonments unless they are justified by serious complications." Upon the arrival of some new troops from Spain, General Aquirre led them through the towns of Laguna and Batangas for the purpose of participating in a series of balls and banquets where Spaniards and Filipinos pledged undying affection and loyalty. This evidence of a desire to deal fairly with the people brought upon Blanco's head the wrath of those who were demanding the full penalty of death and confiscation. On December 9, 1897, he was recalled to Spain, where he spent much of the time during the succeeding years trying to explain why he had not crushed the rebellion by greater severities.

The reign of his successor, General Camilio Polavieja, was brief. It opened inauspiciously by the ill-advised execution of Rizal, an act which so stirred the people as to render any hope of sincere reconciliation with Spain thereafter impossible.

Rizal, with the consent of General Blanco, had returned from Dapitan and had been granted permission to join the Spanish army in Cuba as a surgeon. Carrying a letter from Blanco which exonerated him of any part in the insurrection, he sailed for Spain. But it was not intended that he should escape. At Barcelona he was arrested and returned to Manila, where he was held in prison until after Blanco left the country. A military commission, convened on December twenty-sixth, found him guilty of rebellion, sedition and illicit associations, and sentenced him to death. The proceedings as far as form and record are concerned were in all respects legal under Spanish laws, but the secrecy and

lack of deliberation, to say nothing of circumstances which suggest the manipulation of the evidence against him, shocks one's sense of fairness and justice. Much of the evidence bears the earmarks of having been manufactured. The court found in effect that the chief object of the *Liga Filipina* was to gather money with which to purchase arms to secure the independence of the Philippines; that the Katipunan was a mere offshoot of the *Liga Filipina* through which the masses were prepared for rebellion; that the purpose of the society was to assassinate all Spaniards and proclaim independence, and that Rizal had been a systematic and persistent rebel from the time when in early childhood he read a poem about the "Fatherland," until the Katipunan insurrection.

Evidence which was favorable to Rizal was suppressed or distorted to his discredit. It is certain that at Dapitan Rizal informed Bonifacio's agent that he disapproved of and would have nothing to do with the insurrection. The prosecution used Rizal's statement to his injury, arguing that when he should have protested against the principle of revolt he only opposed its expediency. Having advised against a particular rebellion, he was convicted for having failed to advise against all rebellions. While Rizal was in prison awaiting trial he wrote and proposed to issue a manifesto to his countrymen in which he said, "Upon my return from Spain, I have come to know that my name has been used among some who were in arms, as a battle cry. The news came to me as a painful surprise; but thinking everything already over, I kept silent before a circumstance I regarded impossible of setting right. . . . From the first that I had news of what was being planned, I opposed it, I fought against it, and I showed its absolute impossibility. . . . I did more. When, later on, in spite of my advice, the outbreak occurred, I spontaneously offered not only my services but my life, and my name as well, to be used in the manner they thought best for the purpose of stifling the rebellion; . . . I have given proof as much as has any of desiring liberties for my country, and I continue to desire them. But I set down as the premise the edu-

cation of the people, so that, through instruction and labor, it might come to possess its own personality, and might be worthy of these liberties. In my writings I have recommended study, and the civic virtues, without which there is no redemption. I have also written (and my words have been repeated) that reforms, to be fruitful, must come from *above*, and that those coming from *below* were only to be obtained in a manner which would make them irregular and uncertain. Nourished upon these ideas, I can not less than condemn, and I do condemn that absurd and savage outbreak, plotted behind my back, which dishonors us Filipinos and discredits those who may speak in our behalf. I abominate its criminal proceedings, and I disown any sort of participation in it, deploring with all the sorrow of my heart the ignorant victims of deception. Return then to your houses, and may God pardon those who have acted in bad faith."

Upon this document Auditor Peña placed the following endorsement: "With Rizal the question is one of opportuneness, not of principles, nor of purposes. His manifesto might be condensed into these words 'In the face of evidence of your defeat, lay down your arms, countrymen; afterwards I will lead you to the promised land.' It is of no benefit in behalf of peace, and it might nourish in future the spirit of rebellion; and on that account its publication is to be advised against. Instead, it might be well to forbid its publication and to send these records to the judge advocate of the case being prosecuted against Rizal, to be added to these proceedings."<sup>12</sup>

On the morning of December 30, 1896, outside of the old city walls near the pleasure field known as the Luneta, in the presence of a gay and laughing crowd of Spanish officials and friars, Rizal was shot.<sup>13</sup> The night before his execution, he signed the following statement:

<sup>12</sup> See Le Roy, I, p. 111, note. Craig, *José Rizal*, p. 235. Sastron, pp. 179-183. For Rizal's teachings see his novels, *Noli me Tangere* (An Eagle's Flight, New York, 1900) and *El Filibusterismo* (The Reign of Greed, Manila, 1912).

<sup>13</sup> "Turning away, sick at heart, from the contemplation of this bitter tragedy, it is with a thrill of almost vindictive satisfaction that one remembers that less than eighteen months later the Luneta echoed to the sound of a mightier fusillade—the roar of the great guns with which the battle of Manila Bay was fought and won. . . . And if in the moment of his last

"I declare myself Catholic, and in this religion in which I was born and reared, I wish to live and die. I retract with all my heart whatsoever there has been in my words, writings, publications, and conduct contrary to my quality as a son of the Catholic Church. I believe and profess what it teaches, and submit to what it commands. I abominate Masonry, as hostile to the church and a society prohibited by the church. The diocesan prelate, as the superior ecclesiastical authority, may make public this voluntary statement of mine, to repair the scandal my deeds have caused and that God and man may pardon me."

It has been claimed that this retraction was obtained through undue influence asserted by the Jesuit Fathers who surrounded him during the night which preceded his death and that it did not represent Rizal's true convictions. As Le Roy truly says: "The document is really a revelation of how strong a hold the teachings and influence of childhood, more than ever in a land like the Philippines, have even upon a man with the mentality and the experience in life of Rizal, rather than a reliable indication that Rizal repented the general tendency of his writings as a whole. Unquestionably, too, as he grew older he felt that he had been unduly rabid in his youth, and became stronger in his belief that evolution, not revolution, was the proper pathway for his people."<sup>14</sup>

The fact is that Rizal did not and never had favored a resort to arms. He realized that his people were not prepared to govern themselves. He was convicted for opinions and not for acts, for what he was thought to believe, not for what he had done or urged others to do. His trial was regular and yet it was grossly unfair. The defense by his counsel was formal and perfunctory. His death had been determined upon before he was arrested in Barcelona. All that remained to be done was to make

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supreme agony the power to probe the future had been vouchsafed José Rizal, would he not have died happy in the knowledge that the land he loved so dearly was very soon to be transferred into such safekeeping?" Sir Hugh Clifford, in *Blackwood's Magazine* for November, 1902.

<sup>14</sup> Le Roy, I, p. 113, note. For the letter sent by Rizal to Archbishop Nozalada, in connection with the retraction, see the *Defensa Obligada*, Appendix 12.

a record which would reflect most upon Rizal and least upon Spain. His execution, after a formal retraction which was considered such a triumph for the authorities, made reconciliation with Spain thereafter impossible, and associated Rizal's name with the sentiment of nationality which was just beginning to develop in the hearts of his countrymen. On the spot where Rizal died there has recently been erected a beautiful monument, the work of a famous Spanish sculptor. To every Filipino he is the national hero.

The savage and indomitable spirit manifested in the execution of Rizal for a time produced its effect upon the community. The people not already in arms were stunned and intimidated. During the campaign carried on by General Blanco the insurgents seem to have generally held their own. In February, 1897, General Polavieja took the field personally against the rebels in Cavite Province. Aguinaldo, who was now the recognized military leader, had about five thousand men and probably one-half as many firearms. There was some desperate fighting, but the rebels were gradually worn away and scattered over the country. Within four months the Spanish losses were twenty officers and three hundred soldiers killed and eighty officers and one thousand two hundred soldiers wounded. After the fall of Imus the insurrection seemed broken, and Polavieja offered an amnesty of which many took advantage. In April the governor-general returned to Spain, and during ten days General Lachambre acted as governor-general.<sup>15</sup>

On April twenty-fifth the new governor-general, Primo de Rivera, arrived at Manila and was received with stately ceremonies. Although appointed by a conservative ministry, Primo de Rivera was himself a Liberal who recognized the necessity for reforms in the Philippines. The spirit in which he entered upon his administration appeared in a cable sent to Madrid a few months after his arrival in the islands. "There must," he wrote, "be much thought given to the political and economic reforms,

<sup>15</sup> Lachambre was an efficient soldier. For an account of his work, see F. de Monteverde y Sedeno, *La División Lachambre* (Madrid, 1896).

which should tend to assure the well-being of the native, or to guarantee him against abuses and clerical exactions, *but at the same time to separate him from modern currents and principles* which, if they are the essential life of European societies, are the virus that is inoculated in colonies for the growth of ideas of separatism and ambition which revolutions originate."<sup>16</sup>

As the result of the campaign conducted by Primo de Rivera, Aguinaldo, who now called himself President and Dictator of a Revolutionary Government, was driven into the mountains of Bulican, where he proposed to make a final stand at a place called Biak-na-bató.<sup>17</sup> The war was practically at an end, but it was within the power of the insurgents to prolong it almost indefinitely by adopting the guerrilla tactics for which the country is so well adapted. The government was also in difficulties. It was in great need of more troops, but as Primo de Rivera had constantly minimized the revolution in his reports he could not consistently ask that more men be sent from the Peninsula. More native soldiers had, therefore, to be raised, and this seems not to have been difficult, as the people were weary of the burdens imposed by the war. In order to obtain funds, bonds to the amount of forty million pesos were issued payable in forty years, "with the special guarantee of the Philippine customs and the general guarantee of the nation."

But the preparations for what was to have been the final crushing campaign were suddenly suspended. One day early in August there appeared at the Malicañan Palace, His Excellency, Don Pedro Paterno, a distinguished citizen of Manila and Madrid, wearer of the Grand Cross of Isabella the Catholic, suave, resourceful, diplomatic, friend of the people, intimate of Grantees, ready at a moment's notice to furnish a treaty, a drama, an opera, a form of government or a system of philosophy, and, like Godoy, ambitious to win the title of Prince of Peace.<sup>18</sup> He

<sup>16</sup> Quoted by Le Roy (I, p. 120) from Primo de Rivera's *Memoria*, which was published in Madrid in 1898.

<sup>17</sup> For an account of the military operations of the insurgents prepared by Major John S. Mallory, see *Rept. War Dept.*, 1903, Vol. III.

<sup>18</sup> For an interesting account of Paterno, see Foreman, pp. 409-413.



brought a proposition to save his native land by paying Aguinaldo and his associates to leave it. On August the ninth, the governor-general wrote to Señor Cánova, then president of the Cabinet, that it was probable that a permanent peace could be secured if the ministry would authorize him to use some of the funds to purchase patriots instead of munitions of war. Thus opened a chapter in the history of the Philippines which is full of significance, illustrating, as it does, Spanish methods and Filipino characteristics.

The agreement entered into between Primo de Rivera and the insurgent leaders at Biak-na-bató has been dignified by the name of a treaty and used by Aguinaldo's friends and enemies respectively as demonstrating his lofty patriotism or his venality. The mystery which for a time surrounded the transaction no longer exists, as the preliminary negotiations in part and the final agreement were reduced to writing, and filed in the Filipino government archives from whence they passed into the custody of the American War Department. The only question about which there can now be any doubt is whether there was an oral collateral agreement with reference to future reforms.

Before Primo de Rivera's letter reached Madrid, Cánova had been murdered and in the resulting confusion the letter remained unanswered. On August ninth, Pedro Paterno delivered to the governor-general the first of a series of very interesting documents. It recited that he was encouraged to suggest the plan by the fact that on various occasions he had heard His Excellency lament that he was forced by the existence of war "to hold in suspense the longed for reforms solely because these very men continued to bear arms," and that he was anxious "to establish and unfold during his command a new series of reforms bound to give satisfaction to the country." The governor-general's response was such as to encourage Paterno to journey to Biak-na-bató, from whence he returned with an elaborate proposal duly signed by Aguinaldo and his associates, and a full power of attorney from Aguinaldo to receive and disburse the money which was to be paid. In this document Aguinaldo demanded

the payment of money and the granting of the reforms for which the insurgents had gone to war. The original of the paper is on file in the War Department and it effectually disposes of the claim that the promise of reforms by Spain formed a part of the agreement which was signed by the parties. As drafted and carried to Manila by Paterno the instrument provided for:

1. "Expulsion of the religious orders, or at least regulations forbidding them to live together in cloisters.
2. "Representation of the Filipinos in the Spanish Cortes.
3. "The application of true justice in the Philippines, . . . equal for the Indians and the Spaniards. The same laws in Spain and the Philippines. The Indians to have a share of the higher offices of the civil administration.
4. "Changes in the laws governing property, taxation, and the holding of the church benefices, in favor of the Indians.
5. "Proclamation of the individual rights of the Indians, as for example, the liberty to combine in associations, and the liberty of the press."

Through the first and second of these provisions and all references to the Philippine Republic, and Aguinaldo's position as president thereof, Paterno drew a line with his lead pencil.<sup>19</sup> It has been suggested that these all-important provisions were stricken by Paterno as the representative of Primo de Rivera, at Biak-na-bató, but manifestly this is wrong. It is much more probable that it was done by Paterno at Manila in his capacity as the representative of Aguinaldo, because Primo de Rivera refused absolutely to consider any such demands. In his *Memoria* the latter says, and the records corroborate the assertion, that Spain would consider nothing "which might affect her honor or her sovereignty, or involve compromises for the future, and he informed Paterno that he could only employ his good offices to bring about such reforms as he thought were necessary and

<sup>19</sup> *Cong. Rec.*, May 29, 1902, XXXV, Part 6, p. 6093. In the documents as printed in the *Record* the parts which were crossed out in the original, that is, numbers 1 and 2, are enclosed in brackets. The other five, which deal in generalities, were evidently ignored.

*that they would have to trust to the magnanimity of the government."*

After another consultation with the insurgent leaders Paterno returned and according to Primo de Rivera reported that the demands contained in the previous paper represented merely "an aspiration which the rebels wished the government to take into account; that they understood that the country was not sufficiently prepared for the transformation they desired."<sup>20</sup>

On October seventh, the governor-general cabled the terms of the agreement to Madrid, laying particular stress on the fact that the arrangement would destroy the prestige of the chiefs who had sold out and left the country. If the plan was not approved he was ready to proceed with the final campaign. It would be useless, he wrote, to offer reforms at that time, as the insurgents were "fighting for independence; after conquering them in one way or another, there may be conceded or imposed, the reforms that are suitable." In reply to a request for further details with reference to the terms of payment and the opinions of other officials, the minister was informed that the archbishop, the auditor-general, and the civil governor of Manila had been consulted and approved the plan. He was thereupon instructed to close the deal.

Paterno originally estimated that \$500,000.00<sup>21</sup> would be sufficient to purchase the peace, but when he returned from Biak-nabató, he carried a demand for \$3,000,000.00 *and the reforms*. Primo de Rivera's offer of \$1,700,000.00 *for the arms and the absence of the leaders, after striking out the reforms*, was accepted. Paterno wrote \$800,000 in the paper stating orally that the balance of \$900,000 should be paid to him "on the side" to be used to indemnify the people who had suffered by the war. After some delay, due to the solicitude of some of Aguinaldo's subordinates, over the matter of the disposition of the money, the governor-general's nephew, Lieutenant-Colonel Primo de

<sup>20</sup> Primo de Rivera, *Memoria*, p. 131. Quoted by Le Roy, I, p. 129.

<sup>21</sup> Mexican. The value of the dollar fluctuated, but it was worth generally about fifty cents in gold.

Rivera, went with Paterno to Biak-na-bató to secure the signature of Aguinaldo, which, with the approval of "the Assembly" and the "Supreme Council" was duly affixed. A careful program for carrying out the terms of the agreement was worked out and signed, but the agreement itself, although reduced to writing, appears not to have been signed by the parties. It provided that:

"Don Emilia Aguinaldo, in his quality as supreme leader of these in the Island of Luzon, now waging open hostilities against their legitimate government, and Don Baldomero Aguinaldo and Don Mariane Llanera, who also exercise important command in the forces mentioned, are to cease their hostile attitude, surrender the arms that they are using against the Fatherland, and are to surrender to the legitimate authorities, claiming their rights as Spanish Filipino citizens which they desire to preserve. And as a consequence of this surrender, they obligate themselves to cause the surrender of such individuals as actually follow them and those who recognize them as leaders and obey their orders."<sup>22</sup>

It was also provided that the arms were to be surrendered in accordance with an inventory to be taken at a time and place to be decided upon. Individuals who surrendered were to receive passes, and all were to be pardoned for their part in the insurrection. Deserters from the Spanish army were not to be punished, but would be required to serve the balance of their terms of enlistment. Spaniards and Americans and foreigners were to receive a pardon, but be expelled from the Philippines. All who did not surrender within the time stated should be treated as outlaws. Section four provided that:

"The Excellent Señor General Chief will *provide the necessary means for supporting the lives of those who surrender themselves* before the date given in the second paragraph in view of the painful situation to which the war has reduced them, but he will negotiate only with Don Emilia Aguinaldo, through His Excellency Señor Don Pedro Alejandro Paterno."

The document closed with a provision that if any of the para-

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<sup>22</sup> *Cong. Rec.*, XXXV, Part 6, p. 6092.

graphs were violated the whole should be null and void, and Paterno's statement that those whom he represented

"confidently expect that on account of the foresight of the government of His Majesty, that it will take into consideration and satisfy the desires of the Filipino people in order to assure them the peace and well being which they desire."

Delay in surrendering the expected number of guns rendered the Spaniards uneasy, and on December fourteenth another document was signed which provided in detail for the manner of paying the money. On December 27, 1897, Aguinaldo and twenty-seven of his followers sailed on a Spanish ship from Sual near Dagupan, and on December thirty-first arrived at Hong Kong. The Spaniards and Filipinos parted with many assurances of undying affection and loyalty. From Biak-na-bató, Aguinaldo issued a proclamation addressed to the "Manilos" in which he said: "I leave, because, behind the back of the personal immunity conceded to me by the laws, pledges and nobility of Spain, the exalted passion of hatred or some other outburst of oppressive policy may raise its suicidal hand and make victims, causing once more disturbances and interruptions in the life and progress of our land. Long live Spain! Long live the Philippines!"

Before sailing all the leaders signed a telegram addressed to the governor-general, which read:

"We all trust to Spain to grant reforms without blood or warfare, following the path of right and justice. . . . To the paternal policy of Your Excellency these who to-day loyally offer themselves to Spain, entrust the true humanization of liberties and rights. May God bless and make lasting this peace, for the glorious future of our loved home, the Philippines, and for the prosperity and greatness of the Spanish Fatherland."<sup>23</sup>

The first payment of \$400,000 was made in Hong Kong on January 2, 1898, and was deposited in a bank to the credit of "Aguinaldo & Co."

<sup>23</sup> This document and others from which I have quoted are printed by Le Roy, I, p. 135, note 3.

But the insurgents who were left behind were dissatisfied. Within a few days after the departure of Aguinaldo a meeting was held at Biak-na-bató which was presided over by Isabella Artacho, Aguinaldo's former Secretary of the Interior, which passed resolutions demanding that the next payment of \$200,000, instead of being sent to Hong Kong, should be paid to them to be distributed among the people who were in dire need.<sup>24</sup> This demand was complied with. Primo de Rivera says that the balance was by him turned over to his successor, General Augustin. It was never accounted for. Nor is it known what became of the \$900,000 which was to be distributed among the deserving of the rank and file. The leaders are still charging one another with the misappropriation of this money. Artacho went to Hong Kong and brought suit in the British courts against Aguinaldo for an accounting and distribution of the fund, but the action was settled out of court to the satisfaction presumably of all parties.<sup>25</sup>

<sup>24</sup> For Aguinaldo's account, see the *Reseña verídica*, in *Cong. Rec.*, XXXV, Appendix, pp. 440-445. Agoncilo's account given to General Greene is printed in *Sen. Doc. 62, 55 Cong. 3d Sess.*, Part 1, p. 430.

<sup>25</sup> "Artacho, who had received 5,000 pesos as his share of the second payment, arrived in Hong Kong and on April 5 demanded 200,000 pesos of the insurgent funds, probably under the agreement that he should establish a company in Hong Kong for the benefit of the former leaders and not merely of those who had accompanied Aguinaldo. But the leaders in Hong Kong had denounced that agreement, and refused to pay. He then entered suit before the supreme court of Hong Kong, calling upon Aguinaldo for an accounting of the trust funds deposited in his hands for the benefit of Artacho and others, and asked for an injunction restraining Aguinaldo or any member of the junta from handling or disposing of any part of said funds. He filed as evidence copies of the Biak-na-bató agreement and of the agreement made by the leaders on December 19. This suit was brought not merely in the name of Artacho, but in that of all the exiles who were described as living in exile in Hong Kong in accordance with an agreement made with the Spanish government. Artacho probably had adherents among these men, some at least of whom were utterly weary of waiting in Hong Kong and of living upon what was doled out to them. Some at least saw no chance of any other fate than indefinite exile spent in dependence upon the inner group for even the means of existence. The suit was in equity, and called for an accounting for the trust funds which the complainant recognized were legally in the hands of Aguinaldo. It could be carried on only with great difficulty without his presence and without his account books. Meetings were held, and Artacho was denounced as attempting to extort blackmail, but he refused to yield, and Aguinaldo, rather than explain the inner workings of the Hong Kong junta before a British court, prepared for flight. A summons was issued for his appearance before the supreme court of Hong Kong on April 13, 1898, but he was by that time beyond its jurisdiction. He drew out the

A study of the evidence relating to this remarkable transaction leads to the conclusions that the Filipinos were forced by circumstances to accept what the Spanish government was willing to give them and that the government was never willing to complicate the settlement with any definite promises relating to reforms. The expressions of hope and confidence of the departing insurgents were left unanswered, and subsequently were ignored. The war had gone against the Filipinos. Their cause was lost and the vengeance of the government stared them in the face. Probably not one of the leaders at that time would have declined a pardon and free transportation to Hong Kong. Paterno's suggestion presented the possibility of better terms, and a demand for the reforms was included in their proposition. Primo de Rivera was willing to pay the money for a peace. With the leaders discredited and out of the country and the people unarmed, peace might well be lasting, but he had no intention of stipulating for any reforms. He saw no necessity for doing so, and the insurgents were not in a position to enforce any demands. Aguinaldo and his representative did all the proposing, conceding, writing and signing. As has been said, Primo de Rivera signed nothing but the checks. All references to the reforms for which the insurgents had gone to war, except the hope for the future which Paterno expressed, were stricken from the documents. Notwithstanding this, Aguinaldo subsequently claimed that the granting of the reforms was the principal consideration for the surrender and departure. But his claim finds no corroboration in the records or in the circumstances. When an instrument is signed after a clause therein has been stricken out it is ordinarily conclusive evidence that the

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50,000 pesos from the Chartered Bank, which had become due according to the terms of the deposit, and perhaps such other sums as could be drawn upon by check, engaged passage for Europe by way of Singapore for G. H. del Pilar, J. M. Leyba, and himself under assumed names, appointed V. Belarmino to succeed to his functions, and gave him checks signed in blank to draw the interest of the sums on deposit to provide for the support of the exiles. He gave as his reason for departure that he was going to remain under cover until Artacho could be bought off, but he intended to go far afield for this purpose, as he gave his destination as Europe and the United States." Taylor, *Phil. Insurg. Recs.*

parties do not intend the stricken clause to be a part of the binding agreement.

It thus appears that the Spanish government did not promise definite reforms or intend that its freedom of action should be restricted by any inference which the insurgent leaders might draw from the terms of their surrender. The clause inserted by Paterno in the agreement and the hopes expressed in the telegrams of the departing leaders met with no response. With Aguinaldo and his lieutenants discredited and in exile the government intended to exercise its own discretion as outlined by Primo de Rivera in his telegram to the Ministry.

Aguinaldo felt that his followers would benefit by the transaction. His demand for reforms had been denied and stricken from the written agreement. A pardon and ample means "to support their lives" abroad and the distribution of a large sum of money among his followers, thus relieving their immediate necessities, were something substantial saved from the wreck of the insurrection.

The fact that after the arrival at Hong Kong Aguinaldo carefully conserved the money which had been paid to him as a trust fund shows conclusively that he was not actuated by selfish pecuniary motives. Undoubtedly he intended to organize a new revolt when conditions became favorable and the money was in fact used for that purpose.<sup>26</sup>

<sup>26</sup> There was a plan to form a commercial company with the fund as working capital and under this cover distribute the money to the stockholders. Evidently Aguinaldo had other ideas.



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### PART III

#### The Spanish Colonial System

*“Bending every energy for years to stay the tide of change and progress, suppressing freedom of thought with relentless vigor, and quarantining herself and her dependencies against new ideas, conservatism grew to be her settled habit and the organs of government became ossified. Policies of commercial restriction which were justifiable or at least rationally explicable in the sixteenth century, lasted on, proof against innovation or improvement, until the eighteenth century and later. Consequently from the middle of the seventeenth century at the period of the rapid rise of the colonial powers of France, Holland and England, the Spanish colonies find themselves under a commercial régime which increasingly hampers their prosperity and effectually blocks their advancement.”* Edward G. Bourne.



## CHAPTER VIII

### The Governmental Organization

Literary Theories of Government—Theory and Practise—The Minister of Ultramar and the *Consejo de Filipinas*—The Chief Executive—The Board of Authorities and the Council of Administration—The *Audiencia*—The *Residencia*—The Ecclesiastical System—The Monastic Orders—Powers of the Friars—Conflicting Opinions of Their Work—The Inquisition—The Provincial Governments—Provinces and *Pueblos*—Organization of Municipalities under Maura Law.

The real Spanish government in the Philippines, the one that the people knew in their daily lives, was very different from the one we find described in the codes, royal decrees and other formal documents. It is a very good illustration of the difference which so often exists between the literary theory of a government and the reality. As worked out in the laws it was a humane and liberal system designed solely for the protection and conversion of the native people. In fact, it was illiberal, restrictive and often oppressive.

In the sixteenth century the Spanish monarchy was a congeries of more or less independent countries united through a common sovereign, but each regulating its affairs by local laws and customs. Dependencies, such as Mexico, were practically independent monarchies governed by the king through his viceroys.

The Philippine government was subordinate to the viceroyalty of Mexico, but, like every other department, was responsible directly to the king. As it existed when the end came the royal control was exercised through the Minister of Ultramar, to whom was entrusted the superior administrative supervision of the colonies. He was assisted by the *Consejo de Filipinas*, which was composed of persons selected because of their special knowledge of the country. One member of the Council represented

second in command of the army; the president of the *audiencia*; the *intendent* of the treasury department; the director-general of the administration; the superiors of the religious orders; the president of the Chamber of Commerce of Manila; the president of the Society of Friends of the Country and in addition six appointed members, three from the provinces of Luzon and three from the Visayan provinces. The delegated members were designated by their respective local provincial boards, or *juntas*. To these were added three members appointed by the king.

This council considered the general budget of receipts and expenses in all the branches of the service; the budget of receipts and expenditures of local funds; reforms or changes in the regulations or instructions which the governor-general desired to propose to the home government; royal patronage, and all other matters which the governor-general might deem it proper to submit for its consideration.

The supervision of matters relating to the interior, such as education, sanitation, public works, mines, meteorology, agriculture, industry, commerce and communications, was in a General Directorate of Civil Administration, composed of a director-general and various heads of bureaus.

Prior to 1865 the finances were under the immediate control of the chief executive, but in that year an attempt was made to separate the financial from the executive functions. The administrative work of the treasury was in charge of an official known as the *intendent-general*, but the last word in matters financial as well as executive remained with the governor-general.

There were numerous subordinate officials, who collected and disbursed public funds and audited the accounts. The duties were collected through a customs house at Manila. A tariff board interpreted the regulations and schedules and made an annual report on general conditions including the merchant marine. An auxiliary commission of appraisers, which included merchants and traders in its membership, prepared and published tabulated statements showing the average prices of imported and exported goods.

The manner in which the ecclesiastical was connected with the civil power tended to restrict the authority of the governors-general by creating a jealous coordinating authority eager to maintain its rights and privileges and willing to absorb those of the civil authorities. The *audiencia* had the legal right to share the executive and legislative power with the governor-general, and at times, when the chief executive was not a strong man it was the master. Le Gentil regarded it as the only safeguard against the arbitrary disposition of the governors. But Zuñiga, writing a generation later, pronounced it ineffective. "The royal *audiencia*," says he, "was established to restrain the disposition of the governors which it has never prevented; for the gentlemen of the gown are always weak-kneed, and the governor can send them under guard to Spain, pack them off to the provinces to take a census of the natives, or imprison them, which has been done several times."<sup>2</sup> Until after the murder of Bustamente, the *audiencia* was authorized to assume control of the government upon the death of the governor-general. Thereafter until after the British occupation, the archbishop succeeded the governor-general during an *ad interim* vacancy. But the weakness displayed by Archbishop Rojo led the king to doubt the qualifications of archbishops for the position of governor-general, and the office of lieutenant-governor was created. Subsequently it was so arranged that in the absence of the governor and captain-general, the commander of the army, and in his absence, the admiral of the navy should assume the duties of chief executive. During his term of office a governor-general could not be criticized with impunity. He was given free rein as far as the public and individuals were concerned. But there was for him a very serious hereafter.

The position was never a bed of roses. The vexatious controversies with the ecclesiastics, the disposition of the officials to abuse their powers and misappropriate funds, the remoteness from Spain, and the general inconveniences and hardships of the life rendered it attractive only to the few who were filled

<sup>2</sup> *Estadismo*, I, p. 244, quoted, B. & R., I, p. 50, note.

with high enthusiasm for the extension of the power of the king and the realm of the true faith, and to the many who desired to amass fortunes regardless of methods. One of the early officials paints the portrait of the ideal governor, such as he did *not* find in the islands, in terms which are not yet without interest. "The Governor must," he wrote,<sup>3</sup> "understand war, but he must not be over-confident of his abilities. Let him give ear to the advice of those who know the country where things are managed very differently from what they are in Europe. Those who have tried to carry on war in the islands as it is carried on in Flanders and elsewhere in Europe have fallen into irreparable mistakes. The main thing, however, *is to aim at the welfare of the people, to treat them kindly, to be friendly towards foreigners*, to take pains to have the ships for New Spain sail promptly and in good order, to promote trade with the neighboring people, and to encourage ship-building. In a word, to live with the Indians rather like a father than like a governor.

The Spaniards devised an institution known as the *residencia*, under which the governors and other officials were required to remain in the country of their service for a certain length of time after ceasing to hold office, during which time an investigation was made into their conduct during their entire term of

<sup>3</sup> See B. & R., I, p. 53.

In an interesting volume entitled *Many Memories*, Col. Rivett-Carnac says that for an ideal governor-general of India, "a very clever man is *not* what is wanted. Such a one will probably be full of fads and will rub every one the wrong way. . . . If you employ a clever man, the effect will be somewhat the same, as I have seen it described, of using a sharp pen-knife in cutting the leaves of your book. The very sharp blade will run off the line and commence to cut out curves on its own account, irrespective of direction. What is wanted for the purpose is in the nature of a good, solid, sound paper knife which, working steadily through the folds of the pages, will do its work honestly and neatly."

The Norman Baron's advice to his son as to the way to govern his Saxons, done into English by Kipling, may well be remembered—

"Appear with your wife and the children  
At their weddings and funerals and feasts;  
Be polite, but not friendly to bishops;  
Be good to all poor parish priests;  
Say 'we', 'us' and 'our' when you're talking,  
Instead of 'you fellows', and 'I'.  
Don't ride over seeds; keep your temper,  
And never you tell 'em a lie."

office.<sup>4</sup> Any one from his successor to the poorest native was then at liberty to file charges against him. And a plentiful crop of charges was certain.

In the Philippines the *residencia* for the governor-general lasted for six months, and was conducted by his successor in office. Such an institution must have constituted a very effective restraint, but it was capable of infinite abuse. When, as sometimes happened, the governor's successor was his personal enemy, the temptation to blacken the preceding administration generally proved irresistible. In some instances, the governors were subjected to very severe penalties for misconduct during their terms of office. Governor Corcuera was brought to trial and compelled to pay a heavy fine, and after having been imprisoned for five years, was released by royal order and returned to Spain. The investigation into the affairs of Governor Gargas was so extensive that the preparation of the report required four years. A statement of charges, some grave and others frivolous, filled twenty volumes. Acting-Governor José Talba was charged with embezzlement of great sums of money. After an elaborate investigation he was sentenced to pay a fine of approximately \$1,000,000 and the cost of the trial, to deprivation of public office and banishment from the Philippines and Madrid. Other governors were charged with embezzlement of public funds and various other forms of official malfeasance, and unless these officials were victims of false charges or malicious persecution, as many of them possibly were, the institution of the *residencia* seems to have justified its existence. Verily, the consciousness that an inquiry into his conduct would be conducted by his successor, who might be a personal enemy, may well have been a terrible trial, the strain of which, as one writer says, "would sometimes break their hearts." Many a governor quarreling with the Church and facing the ordeal of the *residencia*<sup>5</sup> must have felt with the Knight of La Manche that it were better "to

<sup>4</sup> See Morga's *Sucesos*, B. & R., XVI, p. 166.

<sup>5</sup> It would be interesting to see the *residencia* applied to the administrations of certain modern governors-general.



be Sancho Panza and go to heaven than be governor and go to hell."

De Pons, after describing the *residencia*, says, "I request the reader not to infer from my opinion of the tribunals of *residencia*, my confidence in their efficacy. My homage is immediately and solely addressed to the wisdom of the law. I resign all criticism on its operation to those who know the seductive influence of Plutus over the feeble and pliant Themis."<sup>6</sup>

As the propulsive power back of the colonizing movement came from the ecclesiastical authorities, it was but natural that the influence of the Church in the colonies should be great and often controlling. The early Spanish kings recognized the right of the Pope to dispose of territory not already occupied by Christians. As the expenses connected with the discovery of the Indians were borne by the king, the Pope by a Bull of September 3, 1501, granted to him the right to collect tithes, on condition that he would endow and maintain the churches to be established in the colonies. These churches and the clergy were thereafter supported by appropriations made by the king, who possessed, in virtue of this arrangement, certain powers ordinarily exercised by church officials.

The ecclesiastical system in the Philippines was well organized.<sup>7</sup> "Here," says Bourne, "we find the real vital organization of the Philippines governing system." The archbishop of Manila was the head of the organization and under him as suffragans were the bishops of Cebu, Segovia and Caceras. The Dominican, Augustinian, Franciscan and Jesuit orders were under the direct and independent control of their own provincials. Each maintained a representative in Madrid, through whom it could always reach the ear of the king without the intervention of the civil authorities at Manila.

The persistent claim of the members of the monastic orders to exemption from the supervision and control of the bishops

<sup>6</sup> *Voyage to the Eastern Parts of Terra Firma*, etc., II, p. 25 (1806); B. & R., I, p. 52, note.

<sup>7</sup> For an account of the ecclesiastical machinery, see the translation from Buzeta y Bravo, *Diccionario de los Filipinas* (Madrid, 1850), in B. & R., XXVIII, p. 266, *et seq.*

led to many violent controversies in which the civil authorities also were generally involved. The friars, or regulars, always greatly outnumbered the secular clergy, but the statistics convey a very inadequate idea of their relative power and importance.<sup>8</sup>

The vows of the friars required them to live in monasteries, but the Pope was induced to absolve them from this particular obligation and permit them to act as curates in the parishes, in the same manner as the secular clergy. This arrangement, which was intended to be but temporary, became permanent and laid the foundation for the practical control of the country by the representatives of the monastic orders. The question whether the friars who were in charge of the parishes were subject to visitation by the bishop was never actually settled. When the pressure became too strong, a threat to withdraw from the islands was always sufficient to win the victory, as the king fully realized the necessity for the services of the friars in the work of governing, civilizing and Christianizing the country.

When Archbishop Poblete attempted to enforce the Bull of Pope Urban VIII and subject them to the orders of the bishops, all the friars resigned their positions. Archbishop Camancho was foiled in the same way.<sup>9</sup> Between 1744 and 1753 the Pope issued four bulls in which the friars who acted as curates were placed under the authority of the bishops and Ferdinand VI strictly enjoined the observance of these bulls. But with the usual threat of resignation the friars were able to defy the orders

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<sup>8</sup> In 1750 of 569 parishes with 904,116 souls, but 148 with 147,269 persons were under secular priests. The rest were distributed among the various orders as follows:

Augustinians .....	115 parishes	252,963
Franciscans .....	63 parishes	141,193
Jesuits .....	93 parishes	209,527
Dominicans .....	51 parishes	99,780
Recolletos .....	105 parishes	53,384

In 1898, according to the Church records in Manila, there were 746 regular parishes, 116 mission parishes, 346 Augustinian friars, 107 Franciscans, 233 Dominicans, 327 Recolletos, 42 Jesuits, 16 Capuchins, and 6 Benedictans. On January 4, 1904, there were 246 friars in the islands. Practically all soon thereafter left, but many have returned.

<sup>9</sup> See Dr. Pardo de Tavera's "The Power of the Monastic Orders," in *Census of Philippine Islands* (1905), I, p. 340, *et seq.*

of both Pope and king. A generation later, when a similar attempt was contemplated, the archbishop in despair wrote to the king that "when the order for obliging the friars to submit to their superiors is put into effect they will threaten to abandon all of the parishes under their charge in these islands, and rather than bring about that result it would be preferable to let the present bad state of affairs continue. These caprices of theirs are of long standing and will not easily be abandoned."

As late as 1865 the archbishop of Manila and the bishops of Cebu and Neuva Caceras joined in a complaint to the governor in which they denounced the abuses committed by the friar curates which had been tolerated for three centuries. "The friars who acted as curates," said the archbishop, "were almost sure of immunity; they relied on their offices to shield them from punishment, and made it obligatory for their ecclesiastical superiors who desired to avoid scandal to submit to defeat, to stomach the insults heaped upon them and to continue in the ministry persons who were not up to the standards of their holy mission." So great had the power of the four monastic orders become that papal bulls and royal *cedulas* were of no avail against the veto of their provincial heads.

Under such conditions it was inevitable that the government should pass under the control of the friars. Both their good and evil work tended to increase their power and influence. In the distant villages the curates exercised a mild but very effective despotism. In some provinces there were no white persons other than the friars to assist the *alcalde-mayor* to perform his duties as provincial governor. In more than one-half of the twelve hundred villages in the islands "there were no Spaniards, no other national authority, nor any other force to maintain public order save only the friars."

They thus created for themselves a position independent of the regular ecclesiastical authority as represented by the archbishop, as well as the civil power, and that position they continued to strengthen and maintain until the *debacle* which extinguished Spanish sovereignty in the islands. With wealth and

political power came the arrogance which always goes with the combination. They intimidated bishops, led a mob against one governor-general, and threw another into the dungeon of the Inquisition. In the beginning they were poor, but in the course of time the orders acquired wealth by donations, and by purchase and inheritances of lands. By 1601 they were possessed of such territorial possessions as to alarm the king and lead to the appointment of a commissioner to investigate and report on the extent and description of their lands and the nature of the titles by which they were held. The friars, claiming exemption from such formalities, refused to give any information, and were declared to be "occupants in bad faith," of certain lands of which they were in possession. But in the end they triumphed. A new archbishop arrived; to him the friars somewhat inconsistently appealed for protection against the commissioner; and under such pressure their titles were finally confirmed.

After the early days of poverty and enthusiasm had passed each of the orders had its hacienda or plantation in the country, valuable property in the city, and shares in the galleons which passed between Manila and Acapulco. Each friar who acted as a curate received rentals which sometimes amounted to 10,000 pesos per year in addition to support and certain concessions and gratuities from the crown. So great did the influence of the friars become that in the latter days of the Spanish régime the curates had absorbed nearly all political as well as ecclesiastical power.

That the parish priests had become veritable Pooh-Bahs appears from the testimony which the head of the Franciscan order gave before the Schurman Commission in 1900. In addition to the duties connected with his sacred office, the curate was inspector of the primary schools, president of the Boards of Health, Statistics, Charities, and Urban Taxation; inspector of taxation; honorary (formerly actual) president of the Board of Public Works; examiner of pupils who attended the first and second grades in the public schools; censor of native plays, comedies and dramas; president of the Prison Board; inspector of

food provided for the prisoners; and member of the Provincial Board and of the Board for Partitioning Crown lands.

He certified from his parish records to the correctness of the *cedulas*, and to the certificates of character, which under Spanish law every man had to have in his possession, to the civil status of persons, and to the condition of persons drawn for military service. He was required to be present at municipal elections, act as a member of the municipal council, and to examine and censor the financial budgets before they were sent to the provincial governors. In some instances he also acted as provincial auditor. "Besides the above," we are told, "there were other details which devolved on the priest."<sup>10</sup>

"No pent up Utica contracts your powers,  
But the whole boundless continent is yours."

Under such conditions the ordinary native naturally and very properly held the men who possessed such powers responsible for the abuses of the government and the local insurrections and disturbances induced thereby hastened, if they did not actually cause, the downfall of Spanish power.

In view of the conflicting testimony, it is perhaps impossible at this time properly to apportion the merits and demerits of the friars. Yet they were such an important part of the system of government that neither its form, operations, nor efficiency can be understood without taking the work of the friars into consideration.

They have been bitterly censured and indiscriminately condemned. The modern Filipinos almost without exception attribute to them the evils from which the country suffered. In this there is doubtless much exaggeration; there is another side to the shield. Travelers and residents in no way connected with the orders have painted in roseate colors the early conditions which were brought about by the friars. They doubtless

<sup>10</sup> See testimony relating to the Religious Orders, taken during July and August, 1890, *Sen. Doc. 190, 56 Cong., 2nd Sess.*

bear about the same relation to reality that one's view of a Filipino village under the softening light of a tropical moon does to that of a sanitary inspector who makes his rounds in the daytime. Tomas de Comyn enthusiastically invites his readers to "visit the Philippine Islands and with astonishment shall we there behold extended ranges, studded with temples, and spacious convents, the Divine worship celebrated with pomp and splendor; regularity in the streets, and even luxury in the houses and dress; schools of the first rudiments in all the towns and the inhabitants well versed in the art of writing. We shall see there causeways raised, bridges of good architecture built, and, in short, all the measures of good government and police in the greatest part of the country carried into effect; yet the whole is due to the exertions, apostolic labors, and pure patriotism of the ministers of religion. Let us travel over the provinces and we shall see towns of five, ten and twenty thousand Indians, peacefully governed by one weak, old man, who, with his doors open at all hours, sleeps quiet and secure in his dwelling, without any other magic or any other guard than the love and respect with which he has known how to inspire his flock."<sup>11</sup>

The German naturalist, Jagor, who was free from ecclesiastical influence, after speaking of the credit due to Spain for improving the conditions of the islands, says: "The monks contributed an essential part to this result. Coming from among the common people, used to poverty and self-denial, their duties led them into intimate relations with the natives, and they were naturally fitted to adapt the foreign religion and morals to practical use. So, too, in later times, when they came to possess rich livings, and their pious zeal in general relaxed as their revenues increased, they still contributed most essentially to bring about conditions both good and bad which we have described, since without families of their own and without refined culture, intimate association with the children of the soil was a necessity to them. Even their haughty opposition to the

<sup>11</sup> *State of the Philippine Islands*, pp. 216, 217; B. & R., I, p. 59.

secular authorities was generally for the advantage of the natives."<sup>12</sup>

Palgrave, writing in 1878, says that, "To clerical government, paradoxical as the statement may sound in modern European ears, the Philippine Islands owe, more than to anything else, their internal prosperity and the Malay population its sufficiency and happiness. This it is that again and again has stood a barrier of mercy and justice between the weaker and stronger race, the vanquished and the victor; this has been the steady protector of the native inhabitants, this their faithful benefactor, their sufficient leader and guide. With a *cura* for father and the *Capitan* for his adjutant, a Philippine hamlet feels and knows little of the vexations inseparable from direct and foreign official administration; and if under such rule 'progress,' as we love to term it, be rare, disaffection and want are rarer still."<sup>13</sup>

There were undoubtedly cruel and tyrannical members of the monastic orders, such as are drawn by Rizal in his novels, who were guilty of wrongs and crimes, but it is certain that as a class they were generally, at least until about the middle of the nineteenth century, the consistent advocates of humane treatment for the natives and their defenders against the oppressive measures of the civil and military authorities. They were important and probably the controlling factors in the work of conquest and development of the country. In the early days, at least, it was true that, as said by one of the viceroys, "in each friar in the Philippines, the King had a captain-general and a whole army."<sup>14</sup>

To quote again from Tomas de Comyn, who for eighteen years resided in Manila as the agent of the Philippine Commercial Company: "Of little avail would have been the valor and constancy with which Legaspi and his worthy comrades overcame

<sup>12</sup> Jagor, *The Philippine Islands*, p. 366 (London, 1875), B. & R., I, p. 74.

<sup>13</sup> In *Cornhill Magazine*, 1878, p. 161.

<sup>14</sup> Tomas de Comyn, *State of the Philippine Islands* (translated by William Walton, 1821), p. 209.

the natives of the islands if the apostolic zeal of the missionaries had not seconded their exertions, and aided to consolidate the enterprise. The latter were the real conquerors; they who, without any other arms than their virtues, gained over the good will of the islanders, caused the Spanish name to be beloved, and gave the King, as it were, by miracle, two millions more of submissive and Christian subjects."

Filipinos who are not blinded by prejudice recognize the good while condemning the evil work of the friars. Doctor Pardo de Tavera, writing after the friars had left the islands, says: "History makes the friars responsible for the errors committed by the Spanish government in these Islands, but it would appear that without the aid of the religious orders it would have been impossible for Spain to have fulfilled, even to the extent she has, her promises of civilizing the Filipinos, and of helping them to advance along the lines marked out by the European nations. It is impossible not to recognize the humanitarian impulses, truly Christian and equitable, which guided the Kings and the Spanish legislators in what they did for the Philippine Islands. . . . The friars have been made to bear the brunt of many shortcomings, but if the other officials of the Spanish government had complied with their duties even to the extent to which the friars complied with theirs, it is certain that history to-day would shift that burden of responsibility to other shoulders. The friars undoubtedly were responsible for many things, but they also should be credited with the attainment of certain results in the civilization of the Filipino people, the credit for which is now denied them."<sup>15</sup> With this judgment we must agree.

Until the year 1598 the Bishopric of Manila was suffragan to the Archbishopric of Mexico and was included in the district of the Mexican Inquisition. But the energetic Bishop Salazar, on his own authority, established an Inquisition and proceeded to clear the Philippines of heresy.<sup>16</sup> His activities soon attracted

<sup>15</sup> *Census of the Philippine Islands*, I, p. 340.

<sup>16</sup> "The Holy office of the Inquisition residing in Mexico of Nueva Espana



the attention of the authorities in Mexico, and a commissioner was sent out to vindicate their rights. Salazar refused to recognize the commissioner and threatened all who did so with excommunication. As the commissioner was a member of the Augustinian order the bishop found adherents among the Jesuits and for a time remained in control of the situation.

Finally the tribunal annulled all the acts of the bishop, and the king wrote that he had exceeded his jurisdiction and in the future should not interfere with the work of the commissioner. Subsequent attempts to organize an independent tribunal in the islands were unsuccessful. The power of the commissioner was carefully limited and defined.<sup>17</sup> He could do little more than collect information, receive charges, search ships for prohibited books and report to Mexico and execute the orders received from there. He could interfere with the courts, but not enforce orders. He could make arrests only in special cases, such as bigamy and desertion to the Dutch or Moros, and was required to send all his prisoners to Mexico for trial and punishment. The cases of desertion by soldiers to the Moros or Dutch proved difficult. The matter was submitted to Philip III, and learned discussions ensued. But the question was purely academic. The Inquisition never had a real case to act on for the very good reason that the military authorities promptly shot all available culprits. There was another class of cases which troubled the tribunals greatly and which throws light on the conditions in the military service. It seems strange that any one should have voluntarily submitted himself to the Inquisition, but many soldiers preferred it to the hardships of the service. Deliberately uttering heretical opinions or blaspheming, they would be arrested and sent to Mexico for trial. The tribunal was then called upon to bear the expenses, and for a time it looked as if

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has its commissaries, servants, and helpers in Manila and in the bishoprics of the Islands, who attend to matters touching the Holy Office. They never fail to have plenty to do there because of the entrance of so many strangers into those districts. However, the Holy tribunal does not have jurisdiction of the causes pertaining to the natives, as the latter are so recently converted. Morga's *Sucesos* (1609), B. & R., XVI, p. 154.

<sup>17</sup> For the instructions to the Commissary, see B. & R., V, p. 256.

it might be required to furnish free transportation home to the entire army. It preferred to authorize the commissioner to dispose of such cases.

Lea finds during the sixteenth century only three cases of "real inquisitorial work for the purity of the faith." Diego Hernandez, who was accused of ordering his cook to cut the chickens' throats instead of strangling them, had his property sequestered and died during the long delay occasioned by the search for evidence in his home province in Spain. There were numerous insignificant cases during the following centuries which the curious will find fully described in Lea's learned book. In 1762 the commissioner attempted unsuccessfully to exercise jurisdiction over the Moros and the English sailors on board an English ship.

The important fact to note is that the natives were never subject to the inquisitorial jurisdiction; it applied only to Spaniards. As Lea says, "While this branch of the Inquisition accomplished so little for the faith, it was eminently successful in the functions of contributing to the discontent and confusion which so disastrously affected colonial administrations." It became involved in the quarrel between Governor Corcuera and the archbishop and finally lost all influence with the public through the persecution of Governor-General Salcedo. This proceeding originated in the malice of Commissioner Paternia and the ambitions of his accomplices in the *audiencia*. It was repudiated by the tribunal in Mexico, and Paternia, like his victim, died a prisoner while on the way to Mexico. But he had accomplished something. He "had reduced the power of the Holy office until its officials were so despised that if they had to arrest the vilest individual no one would help them."<sup>18</sup>

For the purposes of government the islands were at first divided into three provinces and from time to time these were subdivided according, as nearly as possible, to the dialects spoken

<sup>18</sup> Lea, *The Inquisition in the Spanish Dependencies*, p. 299 *et seq.* The records of the Inquisition were destroyed in order to prevent them from falling into the hands of the English at the time of the capture of Manila.

by the inhabitants. Each province was under the control of a functionary known as *alcalde-mayor* who exercised both executive and judicial powers, under the direction of and subject to rules and regulations proclaimed by the governor-general.

Until about 1884, these *alcaldes* or provincial governors were allowed to engage in trade on their own account, and as they were charged with the duty of receiving tribute in kind and in fixed amounts, they were enabled to profit by the fluctuation in prices, thus filling their own pockets at the expense of the tribute payers. The king several times directed that the *alcaldes* should not engage in business, but in 1754 a royal *cedula* permitted them to go into business on condition of paying a "fine for engaging in commerce"—the treasury thus sharing in the profits. The fines to be paid for violating the law ran from forty to three hundred pesos in the different provinces. In 1840 to be *alcalde* in certain localities is said to have been worth fifty thousand pesos per year.

In 1886 the office of *alcalde* was abolished, and that of civil governor established. The governors were thereafter charged with the administration of the laws and the management of the provincial finances and the punishment of offenses against religion. At the same time the judicial system was reorganized, and the judicial powers of the *alcaldes* were transferred to the newly created judges of the Courts of First Instance. The governors appear, however, to have retained some of the powers of local magistrates.

Contemporaneous writers paint very somber pictures of the men who were appointed to these provincial offices during the decadent period of Spanish rule. No doubt, here, as elsewhere, there were exceptions to the rule of incompetency and corruption.

"It is a fact common enough," says the indignant Tomas de Comyn, "to see a hairdresser or a lackey converted into a governor; a sailor or a deserter transformed into a district magistrate, collector or military commander of a populous province without other counselor than his own crude understanding, or

any other guide than his own passions. Such a metamorphosis would excite laughter in a comedy or farce; but realized in the theater of human life, it must give rise to sensations of a very different nature. Who is there that does not feel horror-struck and tremble for the innocent when he sees a being of this kind transformed from the yard-arm to the seat of justice, deciding in the first instance on the honor, lives and property of a hundred thousand persons, and haughtily exacting the homage and incense of the spiritual ministers of the towns under his jurisdiction as well as the parish curates, respectable for their acquirements and benevolence and who in their own native places would possibly have rejected as a servant the very man whom in the Philippines they are compelled to court and obey as a sovereign."<sup>19</sup>

The provinces were subdivided into districts called *pueblos*, each under a *gobernadorcillo*, ordinarily called *capitan*. This important local official was required to be a citizen, that is, either a native or a Chinese mestizo, twenty-five years old, able to speak and write Spanish and be or have been a *cabeza* for a certain number of years. The *pueblos* were subdivided into *barangays*, each, as in the original native system, under a sort of tribal chief called a *cabeza de barangay*. Each *barangay* was supposed to contain from one hundred to one hundred and fifty families. Originally the office of *cabeza* was hereditary, but in time it became elective.<sup>20</sup> Morga says that in his time all married natives had the right to vote for *gobernadorcillo*, but later this official was elected by thirteen electors from those who, like himself, held the office of *cabeza*. The chief of a *barangay* paid no tribute, and after three years of service could resign and thereafter be a member of a local municipal body called *la principalia*<sup>21</sup> and be exempt from the payment of tribute.

<sup>19</sup> *State of the Philippines*, p. 194. However, compare this with the same writer's description, *supra*, of the idyllic conditions in the towns where the curate is the king.

<sup>20</sup> "Formerly the *cabeza* exercised many functions of the government, but under the Spanish régime the office has gradually degenerated until the person who fills it enjoys little but the ill-will of his district. The function he exercised was that of a representative, or better, an agent for the government." *Report of the Schurman Commission*, 1900, I, p. 56.

<sup>21</sup> The leading citizens in the Philippines are still referred to locally as *principalias*.

The Filipinos seem always to have had a certain instinct for orderly government on a small scale. I have in modern times attended meetings of the populace of small *pueblos* called to consider questions which affected the community and heard all classes discuss questions, if not with the intelligence, certainly with the interest of a typical New England town meeting.

Jagor<sup>22</sup> describes an election for *gobernadorcillo* which as to form and spirit may have occurred as well the present year as about 1860. The election "took place in the town house. At the table sits the governor or his proxy, on his right the pastor and on his left the secretary who is the interpreter. All the *cabezas de barangay*, the *gobernadorcillo* and those who have formerly been such have taken their places on the benches. In the first place, six of the *cabezas* and six of the *ex-gobernadorcillos* respectively are chosen by lot to serve as electors. The *gobernadorcillo* in office makes the thirteenth. The rest now leave the room. After the chairman has read the rules and exhorted the electors to fulfill their duties conscientiously, they go one by one to the table and write three names on a ballot. Whoever receives the largest number of votes is forthwith nominated for *gobernadorcillo* for the ensuing year, if the pastor or the electors make no well founded objection, subject to confirmation of the Superior Court in Manila, which is a matter of course since the influence of the pastor would prevent an unsuitable choice. The same process was followed in the election of the other local officials, except that the new *gobernadorcillo* was called in that he might make any objections to the selection." Probably the pastor was a Spaniard and all the rest were Filipinos.

At the time of the American occupation the municipalities were gradually being organized under the Maura law of 1893. That law was, however, very materially modified before it was put in force in the Philippines. Many of its provisions for local self-government remained a dead letter up to the time

<sup>22</sup> *Travels in the Philippines* (London, 1875). See Rizal's account of "The Meeting in the Town Hall," in *An Eagle's Flight*, Chap. XXII. This is the absurd title of the English translation of *Noli me Tangere*.

ment was attempting to do.<sup>23</sup>

were proprietary and could be sold, bought or inherited.

ican occupation:

## TERRITORIAL DIVISIONS

Each barrio is divided into.....*Barangays* (groups of  
from 50 to 100 fam-  
ilies)

### GOVERNING BODIES CORRESPONDING TO DIVISIONS

the general government of the.....Archipelago

The governor of the province, assisted by the Provincial Council (junta) governs or rather supervises the affairs of the.....Province

The municipal tribunal, assisted by the *principalia*,  
administers the ..... *Pueblo*

The *cabeza de barangay* represents the government  
as a sort of agent in the.....*Barangay*

The divisions called *distritos* and *barrios* are merely for the purpose of administration.

Governor of a province appointed by the.....Government in Spain  
Provincial junta:

Governor of province and five other officials....Members *ex officio*

Four other members elected by.....Municipal captains

The municipal tribunal (captain and four lieutenants) elected by..... Twelve delegates of the *principalia* (chief citizens)

Twelve delegates of the *principalia* chosen by.....*Principalia*

The *principalia* is composed of—

All persons who have held certain offices.

Persons who pay 50 pesos land tax.

The *cabezas de barangays* are appointed by—  
The governor of the province on recommendation of the twelve delegates or "principals" and

municipal tribunal, but practically elected by..Municipal tribunal

See *Report Schurman Phil. Com.*, I, Part 4.

## CHAPTER IX

### Legislation, Codes and Courts

Sources of the Law—The Laws of the Indias—Extension of Peninsular Laws to Philippines—The Ancient Spanish Codes—The *Fuero Juzgo*—*Siete Partidas*—*La Nueva Recopilacion*—The Prelation of Laws—The Modern Codes—The Judicial Tribunals—The *Audiencia*—Its Organization and Powers—The Provincial Courts—The Courts of First Instance—Justice Courts—Ecclesiastical, Military, Treasury and Contentious Courts—The Judicial *Personnel*—Unsatisfactory Procedure—Popular Dissatisfaction with the Courts.

During Spanish times laws for the Philippines were enacted or proclaimed in various forms by the king directly or through the Council of the Indias, the *Casa de Contratación* or India House, the governor-general, the *audiencia*, and in later years by the Cortes.

The supreme control under the king over all colonial affairs was vested in a body called the Council of the Indias, of which the leading statesmen of the Spanish court were members. Its jurisdiction covered the entire field of governmental activity. It enacted laws for the colonies, determined finally all controversies concerning colonial affairs and advised the king in all matters connected with the administration.

Economic affairs were controlled by a subordinate body known as the *Casa de Contratación* which also exercised judicial functions and made rules which had the force of law.<sup>1</sup>

The Laws of the Indias, the *Novisima Recopilacion* and the *Partidas* are at present frequently referred to in the Philippine courts as sources of controlling law and are thus of practical as well as historical importance.<sup>2</sup>

<sup>1</sup> Moses' *The Spanish Dependencies in South America*, I, Chap. XIV (1914), and the same author's earlier book, *Spanish Rule in America*, Chap. III; Bourne's *Spain in America*, Chap. XV.

<sup>2</sup> See the *Historical Résumé of the Administration of Justice in the Philip-*

The *Recopilacion de Leyes de los Reynos de las Indias*, commonly referred to as the *Laws of the Indias*, is a collection of *cedulas*,<sup>3</sup> *decretos*,<sup>4</sup> *resoluciones*,<sup>5</sup> *ordenamientos* and *pregmaticas*,<sup>6</sup> and *reglamentos*,<sup>7</sup> which was published about 1680. It contains the general laws declared or enacted for the government of the Indias and may be called the primary legal authority. It never constituted a complete code and had to be supplemented by other compilations and laws designed primarily for the Peninsula and not in force in the colonies unless expressly made so by compliance with certain prescribed formalities. According to the Spanish constitution, "*Las provincias de Ultramar seran gobernados par leyes especiales.*" Laws enacted in the Peninsula if intended to go into effect in the Philippines were transmitted to the governor-general with instructions to proclaim and publish them there. Until they had received the governor-general's "*cumplase*" (let it go into effect) they had no legal effect.

But it was necessary occasionally to resort to laws which had never been enacted for or extended to the Philippines. The Laws of the Indias provided that cases not covered by any of its provisions should be governed by the Laws of Castile in conformity with Law 1 of the Laws of Toro, which latter was included in the *Novisima Recopilacion de Castilla*. Thus the Filipino lawyer whose case was not determined by the Laws of the Indias or any statute subsequently passed for or extended to the islands found himself thrown back on the ancient Spanish Codes.

Spanish history and jurisprudence are rich in compilations and codes in which are embodied the legislation, decisions, customs and usages of hundreds of years of national life. While

*pine Islands*, by Cayetana S. Arellano, Chief Justice of the Supreme Court, *Rept. Phil. Com.*, 1900, p. 225, Exhibit J, *Sen. Doc. 112, 56 Cong., 2d Sess.* As to conditions about 1840, see Mas' Report in B. & R., XXXVI, p. 279.

<sup>3</sup> Orders emanating from some superior tribunal, promulgated in the name and by the authority of the sovereign.

<sup>4</sup> Similar orders in ecclesiastical matters.

<sup>5</sup> Opinions rendered by some superior authority on questions duly submitted, and thereafter sent to the inferior authorities for their guidance.

<sup>6</sup> Orders emanating from the king differing from *cedulas* only in form and in the manner of their promulgation.

<sup>7</sup> Informal written instructions by competent authority. See Walton, *Civil Law of Spain*, p. 523, note.



they are sometimes a source of weariness to the men who are called upon to adjust the rights of contentious individuals, the student of the history of laws and institutions finds them of absorbing interest. *Il faut éclairer l'histoire par lois et les lois par l'histoire.*

In these ancient codes, as clearly as in the ancient highways, bridges, viaducts, theaters, arches, baths, porticos and palaces, are written the permanent records of Roman, Gothic and Saracen rule. What remains of Germanic law is embodied in the famous code known as the *Fuero Juzgo* or *Forma Judicium* which was probably compiled at the Council of Toledo<sup>8</sup> in the eighth century. It was written in Latin, the language of the Church, and was not translated into the vernacular Spanish until the thirteenth century. In the meantime, although undergoing many vicissitudes, it was always in force in some part of the country, more particularly in sections where resistance to the Moors was strongest. In 1241 so strong had become the pressure of the Saracens that its application seems to have been confined to the towns of Andalusia alone.

After much controversy as to the value of the *Fuero Juzgo* its authority was finally established, and in the Spanish law of precedence it stands third in order.

During the reign of Charles III, it was ordered that a certain law from the *Fuero Juzgo* should be applied in preference to one contained in the *Partidas*.<sup>9</sup> "As said law of *Fuero Juzgo* is not derogated by any other, you should abide by it in determining on this or similar business without attaching much importance to those of the *Partidas*." "After this decision," says Walton,<sup>10</sup> "no dispute can be had about the existence to-day of the Gothic-Spanish legislation. Although its application may

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<sup>8</sup> A translation of this work by Mr. S. P. Scott, under the name of the *Visigothic Code*, has been published by the Comparative Law Bureau of the American Bar Association (Boston, 1910). Mr. Scott calls it "the most remarkable monument of legislation which ever emanated from a semi-barbarous people, and the only substantial memorial of greatness or erudition bequeathed by the Goths to posterity." Preface, p. 24.

<sup>9</sup> *Visigothic Code*, Preface, p. 11.

<sup>10</sup> Walton, *Civil Law of Spain*, p. 57.

be limited or rare, part of the *Fuero Juzgo* is included in the latter collections and while other portions do not entirely harmonize with the social, juridical and political spirit of the epoch, many of its laws can be found in some form in the present Spanish Civil Code." The same writer calls this code the most famous and most important of all bodies of laws formed after the fall of the Roman Empire.

Provinces, cities and towns were governed by special laws. In one section of the country, one code, statute and custom existed, while the adjoining community was governed by different laws. By the middle of the thirteenth century the situation had become intolerable, and that wise monarch, Alfonso X, caused the laws to be recompiled under the name of the *Fuero Real*. This collection assumed to contain all the laws and customs of the Castilian monarchy in force at the time of its publication.

Passing over the various other compilations, we come to the famous *Partidas* published in 1348, which wrought a radical change in Spanish law and jurisprudence. This was probably the most systematic and complete legal work which the world had seen since the publication of the great masterpieces of Roman jurisprudence. It was divided into seven parts, from which came the name by which it is now known.<sup>11</sup>

In 1567 Philip II sanctioned another compilation, which was known as *La Nueva Recopilacion*. This included all laws in force which had been enacted since the *Fuero Real* and *Partidas*, some from the *Fuero Juzgo*, and others from the laws of Estilo,<sup>12</sup> Montalvo,<sup>13</sup> the *Ordenamiento* of Alcala,<sup>14</sup> the Laws of Toro,<sup>15</sup> and the *autos acordados* or *pragmaticas*, *cedulas*, *ordenes* and *decretos* of the Supreme Court of Spain.

<sup>11</sup> A new English translation of this work is being made under the auspices of the Comparative Law Bureau of the American Bar Association.

<sup>12</sup> Principally a code of practise of the time of Ferdinand IV. (1295-1312.)

<sup>13</sup> A collection of laws made by Alonzo Diaz Montalvo during the time of Ferdinand and Isabella.

<sup>14</sup> A collection published in 1348.

<sup>15</sup> A body of laws enacted by the Cortes of Toledo in 1502, to explain, correct and supply omission in existing legislation. They were included in the *Nueva* and *Novisima Recopilacion*.

Another compilation known as the *Novisima Recopilacion* was published in 1802. The work was hastily done, and it is generally considered inferior to the earlier compilations. The royal decree of July 15, 1805, made the laws which appear in the *Novisima Recopilacion* superior to all earlier legislation. But the effect was simply to increase the confusion which already existed, as it left in force the order of prelation, of codes contained in Law 1, of Toro, and Law 28 of the *Ordenamiento* of Alcala.

Subsequently enacted laws prior to the modern civil codes are found in compilations, some official, and other private, which, however, did not assume the dignity of codes.

After examining the Laws of the Indias and the special laws in force in the Philippines, the lawyers and jurists were required, if they were still in doubt, to turn to the laws of Spain. In addition to the ancient codes and compilations, there had grown up a vast body of what is known on the continent as jurisprudence, that is, the decisions of courts and the commentaries and emanations of the text writers. These became so voluminous that the literature was said to be *centum camelorum onus*—a burden for a hundred camels.

So confusing were the various compilations that it became necessary to determine their prelation—the order in which they should be applied. In Spain the order of precedence thereafter was: (1) The laws enacted after the *Novisima Recopilacion de Castilla*; (2) the *Novisima Recopilacion de Castilla* of 1805; (3) the *Fuero Juzgo*; (4) the *Fuero Real*; and then (5) the *Partidas*.

In the Philippines the laws, royal decrees, royal orders, specially directed to be there in force were controlling and after them came: (1) The *Autos Acordados* duly made by the *Audiencia of Manila*; (2) the *Recopilacion de Leyes de Las Indias*. Cases not determined by either of these were governed by the *Novisima Recopilacion de Castilla*, the *Fuero Juzgo*, the *Fuero Real*, or the *Partidas*, in the order named.

The *Novisima Recopilacion* and the *Partidas* were largely

drawn on because they contained both civil and criminal laws and provisions relating to civil and criminal procedure. Notwithstanding the statutory order of procedure, the *Partidas*, which were composed in the thirteenth century, were generally given preference as authority over the *Novisima Recopilacion*. "All who have studied the legislation of Spain," says Chief Justice Arellano, "know that the *Partidas* were oftener quoted, were better known, and more often applied than the *Novisima Recopilacion*, although the *Recopilacion*, being more modern and the one ordered to be complied with, should have enjoyed greater authority."

It is probable that the lawyers and jurists were more attracted by the principles of Roman Law which were embodied in the *Partidas* than by the pure Spanish law and the elements of German law derived from the earlier codes contained in the *Novisima Recopilacion*. The *Partidas* also had other attractions, not always found in legal treaties and compilations. As said by the learned Alonzo Martinez in a speech delivered at the opening of the Supreme Court of Spain:<sup>16</sup> "*The Siete Partidas* are undoubtedly in principle and form by reason of their contents, the clearness of their composition, and the inimitable graceful language and style, an imperishable monument of wisdom without rival in Europe during the Middle Ages; and as everything which is superior rules by legitimate right, this code has been in the past and still is, the beacon which illumines and guides the courts, judges, and lawyers through the darkness of our contracted and contradictory civil legislation."

But even with all these compilations, there were cases for the determination of which resort must be had to the laws of Spain, enacted after the publication of the *Novisima Recopilacion* and the codes in the order of precedence established for Spain. With all this complicated confusion it is easy to believe, as has been stated, that during the last quarter of the nineteenth century the tendency of lawyers and judges was to rely on the general principles of jurisprudence rather than attempt

<sup>16</sup> Rept. Phil. Com., 1900, Appendix, p. 236.

to find a definite rule in the labyrinth of ancient and modern laws and codes.

The modern civil code, which was promulgated in 1889, originated in the Cortes of Cadiz in 1811. Two years later a committee of the most distinguished lawyers and statesmen of Spain was appointed and charged with the duty of codifying the most important branches of Spanish law. The project was officially abandoned during the reactionary period, but in 1821 it was revived, and thereafter a part of the civil code was published. The overthrow of constitutional government in 1823 threw the work into the background where it was carried on by private persons, who in 1839 presented a complete project to the Cortes. No action was taken thereon. In 1843 it was again taken up officially. A new committee of twenty-four eminent jurists was appointed, which, after almost ten years of labor, submitted what is commonly known as the Project of 1851.

For several years it was circulated among jurists and statesmen, and criticism and suggestions were invited. Both were freely given. So important was the work considered that the Royal Academy of Jurisprudence and Legislation convened a special juridical congress for its discussion. Localities jealous of their special laws succeeded in injecting certain exceptions which cast doubt on how far the old compilations were abrogated by the new code. As finally promulgated in 1889, the new code was not entirely satisfactory, as the exceptions added one more to the list of legal puzzles with which Spanish jurisprudence was already so well supplied. But this particular difficulty was not important in the Philippines, where the local and customary laws of particular Spanish communities, of course, never were applicable.

The Penal Code went into effect in the Philippines in 1886, and as modified by Order No. 58 and subsequent American legislation is now in force.

The first governor-general of the Philippines was vested with full power to administer civil and criminal justice and to

hear and determine all civil and criminal actions which might arise in the islands. Until the middle of the last century, to a great extent, the governors were judges and the judges were governors, and both were legislators and administrators. Original and appellate judicial powers were vested in Legaspi by the royal order of his appointment, and to the first royal *audiencia* was given "the same authority and preeminence as each of the royal *audiencias* of the town of Valladolid and the city of Granada."<sup>17</sup> The territorial district within which this august body was to exercise its power was described in generous terms as including "the Island of Luzon and other Islands of the Archipelago of China and the mainlands of the same, whether discovered or to be discovered." It had appellate jurisdiction in all civil and criminal cases appealed from the decisions of the governors, *alcaldes-mayores* and other magistrates. Its original jurisdiction was limited to cases which, on account of their importance, the amount involved, and the dignity of the parties, might be tried in the Superior Court, and criminal cases arising in the place where the court might meet. Appeals from judgments in civil cases might within one year be taken to the king if the amount involved was large.

The *audiencia* was more than the Supreme Court of the Archipelago, as it was charged with the performance of many duties which were purely administrative. Prior to the year 1715 it took over the civil government in the interim between the death or departure of a governor-general and the arrival of his successor, while the duties of captain-general were assumed by the senior magistrate. The president of the *audiencia* was required to send annually to the Council of the Indias carefully itemized and descriptive lists showing the salaries, payments, fees and allowances paid by the royal treasury; a

<sup>17</sup> The first royal *audiencia*, the *Audiencia de Territorial de Manila*, was established May 5, 1582. See B. & R., V., p. 274, and VI, p. 35, where the instrument stating its powers and duties is printed. It was abolished August 9, 1589, and reestablished May 25, 1596, under the name of the *Audencia de Chancilleria Real de Manila*. It was reorganized by royal *Cedula*, in 1776, in 1815, in 1855, and again in 1886, when the *Audiencia Territorial de Cebu* was created.

list of the *corregidores* showing who were appointed by the royal warrant and who by the president of the *audiencia*, the qualifications and merits of each, the amount of fees received, and the nature of the services rendered. A registry had to be kept of all questions which came before the body pertaining to the government and of the votes cast by each member. No fees or other means of profit were permitted to be granted to any of the *encomenderos*, nor could merchants be allowed to raise their prices on merchandise above the limits established by the king.

The *audiencia* was authorized to grant licenses and to make *repartimientos* of land involved in pending litigation, and to summon citizens of the islands, whether in peace or war, under penalty of infamy for failure to respond. The president and two auditors were required to audit the accounts of the royal treasury annually, to weigh the gold and silver, and send an account thereof to the Council of the Indies. They were also required to audit the accounts of the city of Manila. Each magistrate in turn was required once a year to visit the villages of the district of the *audiencia*, inspect the inns and apothecary shops, examine the nature of the soil for agricultural purposes, ascertain the number of inhabitants, the condition of the public buildings, the habits of the natives with reference to idolatrous worship; how various officials performed their duties, whether the laws prohibiting slavery were enforced, whether the natives were properly instructed in doctrine, and various other things which might affect the welfare of the communities visited. A court with so many non-judicial functions was bound to be involved in all the controversies of local politics.

Although the *audiencia* was established as the result of the protest by Bishop Salazar against the abuses of power and the neglect to enforce certain decrees, particularly those relating to the treatment of the natives, it was certain to come into early conflict with the ecclesiastical authorities. The governor-general was the *presidente* of the *audiencia*, which exercised jurisdiction over all branches of the government. It could determine the right of the ecclesiastical courts to try a certain case

and the president had certain supervisory powers in connection with ecclesiastical appointments.

A dispute with Bishop Salazar soon arose over the wording of certain prayers in the mass and as to where the president, magistrates and bishop should sit during the celebration of mass. The governor and the *audiencia* were soon at war over appointments. The religious orders resented interference with the control which had been exercised previously by the provincials. The master of the camp and the captains of the four companies of the garrison complained to the king that because of the constant interference of the *audiencia* in the administration of the army and the unfair bestowal of *encomiendas* on the undeserving, the troops had become disobedient and had publicly insulted their officers. The city of Manila petitioned for the withdrawal of the *audiencia*, which, in its opinion, was expensive and unnecessary. Finally all parties seem to have joined in the memorial which was carried to the Council of the Indies by Father Sanchez. The result was that the *audiencia* was abolished and was not reestablished until 1596.<sup>18</sup>

When the *audiencia* acted in a governmental, administrative, or advisory capacity, it was known by the name of *real acuerdo*. All the members and the fiscal or attorney-general were then required to be present. Its ordinances, known as *autos acordados*, when approved by the president had the force of laws and as such were cited in the courts.<sup>19</sup> These ordinances related to subjects innumerable, including the Chinese, notaries, prisons, hucksters, slavery, breeding of fowls, the collection of tribute, the regulations of markets and market supplies, and vagrancy.<sup>20</sup>

<sup>18</sup> See Chap. V, p. 158.

The letter by which the king reestablished the *audiencia* is a model of its kind. It criticizes no one, makes no reference to the real cause for the change, and assigns reasons which no one in Manila probably had thought of.

<sup>19</sup> From this *real acuerdo* emanated the *autos acordados*, or reports which have been used as precedents in courts of justice and which have been collected into four volumes with an appendix, edited by the *audiencia* of Manila. This was formerly the indispensable book of every judge and lawyer, as it contained all the rules of procedure, and many rulings of an administrative character which affected the administration of justice.

<sup>20</sup> Many of these ordinances of the latter 1500's are collected and printed in B. & R., X, p. 293 *et seq.*, and XI, p. 21 *et seq.* They cover a wide range of subjects.



The composition and personnel of the *audiencia* varied from time to time.<sup>21</sup> When first established, it consisted of a president, who was the governor-general, three magistrates, an attorney-general and the necessary subordinate officials.<sup>22</sup> The number of magistrates was increased from time to time. The attorney-general also held the office of "protector of the Indians."

About 1815 a regent was appointed to preside in the absence of the governor-general. In 1865 the governor-general ceased to be the president, and the powers of the *real acuerdo* passed to the Board of Administration, an advisory or consultative body which had been established in 1861 and over which the governor-general presided. Thereafter the *audiencia in banc* with the regent, whose title was soon changed to president (chief justice), presiding, constituted the gubernative body. After 1879 the two branches of the *audiencia* were known as the *Sala de lo Civil* and *Sala de lo Criminal* with a president for each chamber.

As organized in 1855, the judge advocates of the army and navy were members of the court. Under the reforms of 1870 they ceased to be magistrates, but ten years later were made *ex-officio* members of the civil branch, when it was called upon to decide questions of conflicting jurisdiction between the military, civil and naval courts. In 1886 a territorial *audiencia* was established at Cebu, but later it was reduced to the rank of criminal *audiencia* with a president and two associates. A criminal *audiencia* also existed at Vigan. Substantially as thus organized, the *audiencias* continued until the end of Spanish sovereignty when some of the magistrates became members of the courts as organized under the American government.<sup>23</sup>

<sup>21</sup> See, for its composition during different periods, *Rept. Phil. Com.*, 1900, Appendix, p. 225.

<sup>22</sup> The members of the *audiencia* other than the president were called *oidores*, or auditors, and finally *magistrados*, or magistrates. The attorney who represented the public, the attorney-general, was called the *fiscal*.

<sup>23</sup> In a brief summary of the organization of the old Spanish Courts, see an article on "The Administration of Justice in the Philippines," by George R. Harvey, formerly solicitor general for the islands. *Yale, Law Review*. 1914.

The Spanish regulations with reference to the conduct and actions of the members of the *audiencia* were very strict and some of them are yet in force. For instance, no magistrate could sit in any case when challenged or when a relative or member of his family was interested. Nor could he engage directly or indirectly in any mercantile business or own any income-bearing estate in arable land or cattle. He was forbidden, under pain of loss of office, to avail himself of the services of a native or to receive any fees or reward or share the fees of any lawyer. The members of the *audiencia* were required to be present each day for a certain fixed number of hours under penalty of a fine of one-half day's pay for each day's absence. The facilities afforded for maintaining actions for damages against judicial officers were unnecessarily good from the point of view of an American or English judge and they have been held to be inconsistent with the basic principles of the American system of government and therefore repealed by implication.<sup>24</sup>

Prior to 1860 the *alcaldes-mayores* (provincial governors) and the military and civil officials acted as inferior judicial officers. The reforms of this period mark the theoretical separation of the executive and judicial powers in the provinces. It was provided that the *alcaldes-mayores* should thereafter exercise judicial powers only. One year later the provinces for judicial purposes were divided into districts, judicial districts and municipal districts. The entire islands constituted a district. The administration of justice in the judicial districts was vested in the newly created Courts of First Instance. The ordinary functions of a trial judge now devolved on an official who was always a lawyer, although in some instances the provincial governors continued to act as judges with the assistance of the assessors who

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<sup>24</sup> In *Alzua v. Johnson*, 231 U. S. 107 (21 Ph. Rept. 308), Mr. Justice Holmes said: "We regard it as fundamental that the immunity of the defendant from this suit is the same as that of judges in the United States. . . . Whatever may have been the Spanish law, this is a principle so deep seated in our system that we should regard it as carried into the Philippines by implication as soon as we established courts in those islands."

were appointed to aid and advise them. The *audiencia* exercised general supervision over the personnel of the lower courts.

In the early days of Spanish occupation, the local headmen continued to exercise their ancient powers, which were judicial as well as executive. The chiefs of the *barangays* were judges as well as law-givers and executives. The Spanish local authorities also exercised rough and ready judicial powers in the *pueblos* and municipalities. The office of justice of the peace was created, and the powers of the justices were defined by the *autos acordados* of 1860. After that date there was a justice of the peace in every judicial district in the city of Manila, and in every municipality which was the headquarters of a judicial district. The justices of the peace were appointed by the governor-general on the recommendation of the *audiencia* of Manila. These appointments were given to persons who were either lawyers or who had some academic or professional title, "or those whose positions or circumstances warranted it." When such persons could not be found, the petty governor of the municipality acted as justice of the peace. If there was a vacancy in the office of Judge of First Instance, or during the absence or sickness of the judge, the nearest justice of the peace who was a lawyer was required to perform his duties.

The royal decree of February 3, 1883, regulating the civil procedure of the Courts of Spain, was extended to the Philippines and gave the justice courts jurisdiction over civil cases when the property involved did not exceed two hundred pesos in value. The royal decree of January 6, 1891, which was a compilation of the provisions relating to the administration of justice in all colonial possessions, modified to some extent the decrees to which reference has been made. It was at the time regarded as a very liberal concession to the colonies, and it is still in force in the Philippines, except as specifically changed by recent legislation.

There were also certain special courts which should be briefly mentioned. The Ecclesiastical Court had jurisdiction over marriage and divorce, violations in general of the canon law and

originally over every action, civil or criminal, which was brought against an ecclesiastic. In 1835, the civil courts were given jurisdiction over cases involving certain atrocious crimes committed by ecclesiastics. For many years the jurisdiction of the Ecclesiastical Courts was exercised by such of the judges of the Courts of First Instance as were designated as ecclesiastical judges by the Archbishop of Manila and the suffragan bishops of the other dioceses.

Military courts had jurisdiction over offenses purely military and of actions affecting soldiers and other persons having special military privileges.

The Commercial Court, which operated in Manila only, was composed of a number of merchants of credit and respectability known as consuls, but who were advised by lawyers selected for the purpose because of their special knowledge of commercial matters. This court had jurisdiction over all commercial controversies which called for prompt and equitable action without much reference to technical procedure.

There was also a Treasury Court which sat in Manila with jurisdiction over matters which affected the treasury and which involved questions supposed to be within the peculiar knowledge of treasury officials. In 1887 these special treasury and commercial courts were abolished, and their functions, together with a portion of those of the military courts, were transferred to the ordinary courts. The clergy and the members of the army and navy were thereby deprived of many of their special personal privileges. It was intended that the ordinary courts should thereafter be competent to dispose of all civil and criminal cases, but the decree subjecting the clergy to the jurisdiction of the civil courts never became effective, as it was suspended by the governor-general until a decision could be received from the home government. No decision was ever rendered.<sup>25</sup> When the civil code went into effect in 1889, the governor-general was authorized to suspend certain titles which

<sup>25</sup> *Rept. Phil. Com.*, 1900, Appendix, p. 229.

practically exempted the clergy from the jurisdiction of the ordinary courts, except in case of atrocious crimes.

There existed also in Manila what was known as the Contentious Court which was an adjunct of the Council of Administration created by the royal decree of July 4, 1861. This body, which was not really a court, was composed of prominent men who heard complaints against the government and from whose decisions there was an appeal to the Council of State in Spain.

Such were the judicial tribunals through which justice was administered. As a rule, the judges were all Spaniards. The procedure, both civil and criminal, followed closely the forms observed in Spain. The evidence all tends to show that the courts were in fact inefficient and that their general administration was very unsatisfactory to the litigants. The substantive law was in general wise and humane and well adapted to conditions, but its administration could not have been much worse. Much of the personnel of the lower courts was bad. Before the separation of the judicial from the executive functions, the *alcaldes-mayores*, and inferior judges generally, appear to have been notoriously ignorant and often corrupt. Qualifications for their work was rarely a factor in their selection. *Tant valent les juges, tant valent les lois* is an old and very true maxim.

There were among the *magistrados* of the *audiencia* many honest and some learned lawyers who would have honored judicial positions in any country. There was ample technical learning, but almost a complete absence of the executive ability which is necessary for the administrative work of a court. Without it all the learning of the jurisconsults will not, even under a simple and effective method of procedure, prevent the calendars from becoming clogged with cases with the resulting vexatious and expensive delays which amount to the substantial denial of justice.

The procedure in civil actions seems never to have been systematized and established, and the criminal procedure was even more uncertain.<sup>26</sup> The insidious custom of compensating officials

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<sup>26</sup> The Philippines never had a code of criminal procedure. There were merely scattered provisions in the form of royal orders and *autos acordados*.

by fees encouraged all manner of unconscionable delays. Thus before a civil action could be commenced in an ordinary trial court the would-be litigant was required to execute a power of attorney authorizing a solicitor to appear for him. This power had then to be acknowledged before a notary, after which it had to be examined and pronounced sufficient by the attorney who was to appear in the case. The intervention of three paid agents, solicitor, notary and attorney, was thus necessary before the litigant could get his case started. Any formal defect in the certificate of the notary, in the power of attorney, or in the declaration of sufficiency, was ground for the dismissal of the action with heavy costs. Worse yet, from a ruling on either of these matters an appeal could be taken to the *audiencia*, where the litigant would learn whether he was in court. All the documents had to be on stamped paper, and any irregularity in that respect might lead to a ruling from which an appeal would lie. The competency of the judge to try the case might be challenged and an appeal taken from the ruling on that question. Or the jurisdiction of the court might be assailed by inhibitory or declaratory pleas and the foundation laid for another appeal.

All this was mere jockeying for a start. Once off, at every stage of the proceedings interlocutory appeals were possible and usual. Actions were often dismissed on the most trivial grounds and the solicitors' and attorneys' fees taxed against the unfortunate plaintiff. The fees under such circumstances were like damages, in personal injury litigation often punitive, being always much larger than would have been charged the client. Instances of gross extortion under the forms of law were common.

The system made for injustice instead of justice. The procedure seemed to have been skilfully devised to promote delay and increase expense. Business men avoided the courts and settled their controversies or submitted to loss rather than allow themselves to be robbed under the forms of law.<sup>27</sup> The divorce

<sup>27</sup> *Report of the Philippine Commission*, 1900, p. 82. Foreman, *The Philippine Islands* (1906), pp. 239, 241.

between law and justice was absolute. The ordinary Filipino is naturally a contentious person. Next to a cockpit a court room with cocky *abogados* pitted against each other in the game of technicalities is his ideal place of entertainment. He delights in suing his neighbor and organizing a gang of witnesses to engage in the cheerful game of perjury. In the old days there were always plenty of lawyers to aid and abet him in such enterprises. There was also a sort of legalized banditti, a special class of shysters, known as *abogadocillas*, or little lawyers, who were recognized as entitled to practise before the justice courts. Because of lack of character or qualifications they had not been regularly admitted to practise in the courts of record and were experts at stirring up strife and encouraging litigation.

The Filipinos realized that the courts as administered were the agencies of extortion and injustice, and their complaints were loud and continuous. The necessity for reforming the procedure of the courts was a matter about which there was no difference of opinion.<sup>28</sup>

<sup>28</sup> As to the unsatisfactory state of the administration of justice, see Sawyer, *The Inhabitants of the Philippines*, Chap. IV.

## CHAPTER X

### Taxation and Revenue

The Tax System—Direct Taxes—The Tribute—Abolished in 1884—The *Cedula Personal*—Special Provisions for Chinese—The Income Tax—Indirect Taxes—Customs Duties—Classification of Goods—Rates Levied—Certain Special Charges—Monopolies, Stamps, Cockpits, Lotteries, etc.—The Tobacco Monopoly—Government Receipts and Disbursements.

The system of taxation which the Spaniards established in the Philippines was suitable for the people and the conditions under which they lived.<sup>1</sup> As usual, it was the administration that was at fault. The government raised the money required for its support by direct and indirect taxes, and by trade and other monopolies. As noted by Professor C. C. Plehn<sup>2</sup> the feature of the history of taxation in the Philippines is "the continuity in the development of the tax system, the antiquity of its origins, and the skill and care with which it was ever readjusted to the conditions of the times and of the country. The direct taxes which the United States government found in operation at the time of their occupation can all be traced back, with scarcely a break in the line of evolution, to the primitive 'tribute' provided for with such simple logic and stately eloquence in that impressive old law for the Indians written by royal authority in 1523. The indirect taxes in their turn were all evolved from the simple *almojarifazgo*, whose quaint Moorish name so forcibly suggests its age; while the other revenues, all practically in the form of monopolies, either arose from the assertion of the royal rights to the profits of all trade that might be won by

<sup>1</sup> The general opinion is that the burden of taxation was not excessive, Bourne in B. & R., I, Int., p. 85.

<sup>2</sup> *Pol. Sci. Quar.* XVII, p. 147. This account of the system of taxation is based very largely upon Prof. Plehn's two articles in the *Political Science Quarterly*, XVI, p. 680 and XVII, p. 125. See also Hords' *Internal Taxation* (J. U. H. Studies), 1907.



loyal Spanish subjects or else rested on the Papal supremacy over all the converts to the Church of Rome."

The direct taxes began with the *tribute* which, with no change in principle and but little in form, was regularly collected from the time of Legaspi until the year 1884. A law of the Indies declared that:

"Since it is a just and reasonable thing, that the Indians who may be pacified and reduced to obedience and vassalage to Us, should render tribute in recognition of Our sovereignty and should give such service as Our subjects and vassals owe, and as moreover, they have established among themselves the custom of paying tribute to their chiefs, We command that they be persuaded to aid Us with tribute, in such moderate amount of the fruits of the earth, as may from time to time be required by law."<sup>3</sup>

The *tribute* was a personal tax, a kind of universal poll tax such as is common in some form in all countries. It was levied on natives and mestizos, at the rate originally of eight silver reales for each family, but was soon increased to ten *reales fuertes*, equal to about seventy-five cents in gold. It was for a time payable in gold, or in the designated products of the country at a fixed "official price." The government determined what articles should be tendered in payment, usually the principal products of the particular province or locality, such as rice in the lower provinces of Luzon and tobacco in the Cayagan Valley.

The family was the unit for the payment, but matters were so arranged that it operated as a poll tax of about one-half a tribute on every person, male or female, over sixteen and under sixty years of age. The *alcaldes*, *gobernadores*, and *cabezas de barangay* who collected the tributes, together with their wives and first-born sons, were exempt from the tax. The *cabezas*, in recognition of their original rights as native chiefs as well as their services, might, if they had no sons, adopt one. The

<sup>3</sup> *Recopilacion de Leyes de los Reynos de Las Indias*, Book VI, tit. v, la 1, quoted *Pol. Sci. Quar.* XVI, p. 684.

exemption was also granted to soldiers, active and retired, their wives and sons residing with them, the members of the provincial reserves, members of the Civil Guard, revenue inspectors, customs and marine guards; inspectors and storekeepers under the tobacco monopoly; government employees receiving a fixed salary; paupers and cripples receiving public aid; those who had rendered some special service to agriculture or industry; and others simply "for just causes." This was construed to include certain college students, widows of advocates, native women who were widows of Spaniards, day laborers in the royal artillery shops, and many other government employees. The descendants of Don Pedro Mojica and Don Carlos Lacondola, who were ruling as petty native kings when the Spaniards captured Manila, were never required to pay the tribute. To this list must be added all those who paid certain amounts for other taxes. A tax list, *padrón de tasas*, approved by the parish priest, was prepared annually for each *cabecera* which showed the name, age and occupation of all heads of families, and the *cabeza* had to account for the tributes which thus appeared to be payable.<sup>4</sup> Failure in this meant imprisonment and confiscation of goods. In addition to the regular tribute, the natives paid one real for commutation of the tithes; one for the community fund, and three for the Church. From 1635 to about 1850 they had to pay also one-half a real for the conquest of Jolo, known as the *donativo de Zamboanga*. Certain provinces also occasionally imposed additional direct personal taxes for such purposes as maintaining *vintas*, or boats, for coast defense. But in addition to these payments, which it will be noted were not in the least oppressive in amount, the people were required to pay heavy local direct taxes in the form of labor on the public works which, however, could be commuted and paid in money.

The tribute was supposed to be paid by those only who had submitted to Spanish rule and owed the duty of allegiance to the king. The mountain people were, when it was possible,

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<sup>4</sup> The *alcaldes*, *corregidores* and *gobernadorcillos* were held responsible for the collection of the taxes in the provinces and municipalities.

required to pay something in "recognition of vassalage." Collecting tribute from the timid little Negritos must have been a dangerous as well as unprofitable business.

The liability to pay tribute seems sometimes to have been used for missionary purposes, as exemption for a certain number of years was frequently offered as an inducement to become converts or for those in rebellion to lay down their arms.

In 1884 the ancient tribute was abolished along with the *caja de comunidad* and the *sanctorum*, and their place was taken by a graduated poll tax. Thereafter every resident over eighteen, male or female, except Chinese, natives and colonists of Jolo, Palawan and Balabac, was required annually to purchase and carry with him a certificate of identification, which was called a *cedula personal*. It was a very convenient method of collecting the poll tax and is in use in the Philippines at the present time. As under the old tribute system, *gobernadorcillos* and their wives, *cabezas de barangay*, and their wives and assistants, received *cedulas gratis* in consideration of their services in collecting the tax. Monks, sisters of charity, privates in the army, naval and civil guards, convicts while in prison, and paupers who received public aid also received *cedulas* without charge. The tax, or amount paid for the *cedula*, ran from one-half peso to thirty-seven pesos, determined by occupation, status, amount of other taxes paid, and income.

The tax lists were prepared in much the same way as those upon which the tributes had been based. The heads of households were required to prepare schedules giving descriptions of all persons over eighteen years of age. Lists of those under their charge or care were prepared by the heads of institutions such as convents or prisons, and the captains of boats. *Cabezas* and captains of boats were held personally responsible for the payment of the tax by all persons under them. Under this system the tax had to be paid by every person who lived in the country; without it nothing could be done. It was a sort of license to exist and do business. During the period just preceding Ameri-

can occupation the *cedulas* brought into the treasury approximately seven million pesos per annum.

Chinese traders or Sangleys, as they were called, were required to purchase a special *cedula*. The system of licensing them was introduced very early and the amount charged varied at different periods. The authorities seem to have been in constant fear that they were not imposing on the Chinese all that the traffic would bear. In 1828, recognizing that the tribute of eight reales per annum which they were paying was very little compared with their gains, the government decided that a new list of the Chinese residents should be prepared. They were to be divided into *cabecerias* like the natives, with Chinese *cabezas* in charge, who should give bond for the collection of the tribute. For the purposes of the tax the Chinese were divided into three classes: (1) The greater merchants, such as are now known as importers and exporters, who were to pay ten *pesos fuertes* per month. (2) The lesser merchants or shopkeepers, who were to pay four *pesos fuertes* per month, and (3) the artisans, who were to pay two pesos per month. Those in default of payment for three months were required to work the amount out with some planter at a fixed daily wage.

The plan had to be considerably modified, as it was found that many of the Chinese could not pay the two pesos per month. A fourth class was therefore created, the members of which should pay one peso. The third class thereafter included only overseers, or superintendents of shops, and the new fourth class all ordinary laborers and operators. The law was a failure. Many preferred to return to China rather than pay the tax; more than a thousand fled to the mountains. Nor would any Chinamen act as *cabezas*. The amount of the tax was finally so reduced that it could be paid, but the special tax on Chinese commerce and industry was increased. In 1866 two new classes were created. The first included all those who were engaged in raising sugar, indigo or hemp in Luzon and the Visayas, and the second those engaged in agriculture in sparsely settled districts. These were to pay twelve and five reales per annum. Those who

would raise tobacco for the government were exempt from the tax for five years. The benefits of the act were afterward extended to Chinese engaged in fisheries, wood-cutting, mining, shipbuilding and other industrial pursuits. But the Chinese could not be taxed out of commerce and into agriculture.

In 1890 the law was revised so that every Chinaman, without reference to age or sex, was required to procure each year a *cedula* like that required of the natives. The Chinese were now divided into eight classes and paid from three to thirty pesos for the *cedulas*. Those under fourteen years of age or who were unable to work, received the *cedulas* gratis.

These rates were as usual increased by several surtaxes. These were five per cent. of the price as a "consumption tax," and in addition about fifty per cent. for the benefit of the provincial and municipal governments, and eight per cent. distributed as follows: One per cent. for the general treasury, two per cent. for the costs of collection, and five per cent. to meet the expenses of sending vagrant Chinese to China. The total cost of a thirty peso *cedula* was thus actually forty-eight and ninety one-hundredths pesos, and the others in the same proportion. The Chinese, like the natives, were required to produce their identification *cedulas* upon demand.

A royal decree of June 14, 1878, provided for a tax on the income received as rent of urban real estate and from commercial and industrial business. The former, known as the *urbana* tax, was originally five per cent. of the net rental value of all houses and buildings of brick, masonry, iron and wood, and those of bamboo and nipa when rented or used for commercial or industrial purposes. The *urbana* tax covered all income derived from real estate other than the income produced by agriculture. Unoccupied building lots, buildings owned or used by religious communities as residences for the parish priests, for hospitals, houses of benevolence or schools, houses inhabited by the foreign consuls when the governments they represented re-

ciprocated, and public buildings owned or used by the State were exempt.

No distinction was made between owners of different classes or nationalities. Natives who paid the tribute were exempt if the *urbana* tax did not exceed four pesos per year. If it reached or exceeded that amount, those who paid it were exempt from payment of the tribute. If the *urbana* tax exceeded twelve pesos the exemption from tribute extended to the legitimate children who were under the father's control, and when it reached twenty-five pesos it also carried exemption from personal service. The tax was increased by a surtax of five per cent. for the expenses of assessment and collection.

In order to ascertain the rental values of buildings, the officials were authorized to examine receipts and any other papers relating to the property. The rate of assessment on property which was occupied by the owner was fixed at ten per cent. of the selling value. Tax lists were prepared by a local assessment board, upon which citizens were required to serve without compensation.

The industrial tax, which was much more important than the *urbana* tax, resembled the Spanish excise, which was never collected in the Philippines. In the beginning it was levied only on the business of the Chinese. The elaborate tariff for all industries and commerce which was in force in 1898 grew out of the original classification of Chinese shops according to their size and the kind of goods made or sold therein. One class included the shops which, in addition to a main room, had interior rooms "where were displayed manufactures of cotton, linen or silk, fancy goods, books, paper and other things used by the rich and well-to-do." The second class included all those shops having one room only in which were sold silks, porcelain, mirrors and the like. A third included the shops selling comestibles, carpenter shops, dye shops and the like; and the fourth, all others, including umbrella shops, junk shops and old clothes stores.

Chinese running shops of the first class paid one hundred pesos per annum; the second, sixty pesos; the third, thirty pesos,

and the fourth, twelve pesos. The rates were, however, modified at various times.

The decree of June 14, 1878, which established the *urbana* tax, extended the *industrial* tax as levied on the Chinese, to all industries of the same sort by whomsoever conducted, and created two new classes, one of which paid three hundred pesos and the other two hundred pesos per annum. The first of the new classes included stock companies, corporations engaged in making loans and discounts, large commercial houses, factories, insurance companies other than mutual, banks which issued bills payable to the bearer on demand, and commercial capitalists engaged in banking, the exporting and importing trade, and operating warehouses and selling at wholesale at Manila. The second included those transacting the same kind of business elsewhere than in Manila, and also wholesalers, money lenders, dealers in the products of the country, and all those manufacturing and mercantile houses which "by reason of their business ought to pay higher rates than those assigned to the third class." This system was gradually extended until by the *reglamento* of June 18, 1890, it covered four hundred different industries and occupations.

Ordinarily no declaration of the extent or amount of income in money was required, as the amount to be paid was determined by the nature of the business, the kind of goods manufactured, the size and arrangement of the shop in which the business was transacted and the importance from a commercial point of view of the town in which it was located. There were, however, some exceptions.

There were four specific rates for industrial shops or occupations. The first for Manila and its adjacent suburbs, the second for most of the other important ports of entry and a few towns of over thirty thousand inhabitants, a third for provincial towns of over fifteen thousand and not over thirty thousand inhabitants, and a fourth for all other towns. These rates stood about in the relation of one hundred, sixty-eight, fifty-one and thirty-six. Certain industries which manufactured goods from raw material produced in the islands, and certain occupations, such

as peddling (in which locality was not important) paid one rate, without reference to location.

The numerous occupations and industries which were exempt included the following: (1) all persons other than Chinese whose incomes were below six hundred pesos per annum, such as seamstresses, domestic servants, weavers of mats and nipa thatch, itinerant barbers and day laborers; (2) all public officials, including school-teachers; (3) public and benevolent institutions; (4) industries otherwise taxed or burdened, as mining and forestry; (5) all branches of agricultural industries; (6) fishing; (7) writers, authors and editors of scientific or literary works, and teachers in the higher branches; and (8), for two years only, any manufacturing industry which had not been previously conducted in the islands.

Like all Spanish taxes, the industrial tax was increased by surtaxes, some of which went to the provincial and municipal governments. The tax was payable quarterly, and delinquents were punished by a fine of twenty-five per cent., plus twenty-five cents per day for the expenses of collection. In commenting on this income tax, which was continued for some time under the American government, Professor Plehn says: "It is distinctly a tax on profits. The only place where labor and capital can go to escape this taxation is, therefore, into agriculture, all branches of industrial and commercial activity being alike subject to the tax and at practically the same rates; consequently the price of manufactured or commercial wares can be affected by the tax only to the extent that capital and labor are driven into agriculture and the cost of agricultural products correspondingly reduced. The reasons for thus favoring agriculture, which had all the more weight by reason of the fact that the friars who were large land holders had a decisive voice in the government, are to be found: (1) in the great natural advantages which the islands possess for the production of such crops as hemp, tobacco, copra, coconut oil, sugar, indigo and chocolate—crops which promise such magnificent returns for the general wealth and welfare of the country when they are developed; and (2) in the inertness of



the natives and their reluctance to labor after their immediate necessities are supplied, which place so severe a handicap on all agricultural endeavors."<sup>5</sup>

Professor Plehn also comments on the skilful way in which the Spaniards avoided the difficulties always incidental to personal declarations and estimates of income and the attendant dangers of false statements and misrepresentation. As he justly remarks, it is probably the only form of income tax which can be enforced with any degree of effectiveness among a people not given to open-heartedness where the interests of the government are concerned. Had it been honestly administered it would have been as just and equitable as any which could have been adopted.

Customs duties assumed little importance until well into the nineteenth century. In theory the *ad valorem* duties (*almojari-fazgo*) on both imports and exports, established for all Spanish colonies by the Laws of the Indias, applied in the Philippines as soon as they were acquired.<sup>6</sup> Legaspi established a customs house at Manila in 1573. Early in the seventeenth century the law was modified to suit conditions in the Philippines, and as modified it continued in force, with few exceptions, until 1789. A duty of (1) fifteen per cent. was collected on all goods (except wines, which paid twenty per cent.) imported from Spain or New Spain to the Philippines—five per cent. payable on the departure of the vessel from the home port and ten per cent. upon the arrival in the islands; (2) three per cent. on all goods imported into the islands from any other countries, except merchandise brought by the Chinese, which paid six per cent.; (3) ten per cent. on all Chinese and other Asiatic wares exported to New Spain; and (4) three per cent. on all other goods exported from the islands.

The original classification of goods with reference to origin and character was retained as the foundation of the system which remained in force until the end of Spanish rule. Between 1734

<sup>5</sup> *Pol. Sci. Quar.* XVI, p. 710.

<sup>6</sup> *Ibid.*, XVII, p. 125 *et seq.*

and 1828 the values of imported goods were fixed arbitrarily by a board composed of one royal officer, two merchants and the *fiscal* for the treasury. Tables of "official values" were published from time to time. In 1828, as a part of a movement to revive and extend the commerce of the islands, a general tariff board was created and instructed to devise a tariff which would so operate as to increase the revenues, nourish and protect agriculture and encourage general commerce. The tariff which this board prepared went into effect on January 1, 1832. It enumerated over one thousand articles of import and, with a very few exceptions, fixed their value per unit of weight or measure. The lowest rate of duty was placed on Spanish goods imported in Spanish vessels, the second on Spanish goods imported in foreign vessels, the third on foreign goods imported in Spanish vessels, and the fourth and highest on foreign goods imported in foreign vessels.

The goods thus imported paid respectively three, eight, seven and fourteen per cent. Certain special articles paid more or less than these rates. Thus spirits were divided into four classes, which paid respectively ten, twenty-five, thirty and sixty per cent., except Spanish rum, which paid three or eight per cent. The four classes of beer and cider paid, respectively, three, ten, twenty and twenty-five per cent. Certain kinds of cotton, linen, silk and woollen fabrics, olives and olive oil, boots, shoes, sweet potatoes, onions, beans, preserved fruits, salt fish and a few other minor articles were classified, and paid, according to their class, three, eight, forty and fifty per cent.

Agricultural machinery was admitted free, while much-needed diamonds and brilliants were charged but one per cent. Birds' nests and tortoise shells coming from Jolo paid two per cent. Trees and shrubs for horticulture, gold and silver coin, paving stone, horses for breeding purposes and goats were all on the free list.

The ease with which the rates on any article could be increased by simply increasing the valuation led to discrimination against foreign wares. Thus lawns were valued at twice their market

value, and cotton goods and textiles of colors similar to those produced in the Philippines paid from fourteen to fifteen per cent., while those of red, green or yellow, not local colors, were admitted free.

Only fifteen articles of export are enumerated as paying export duty, but everything, in fact, except gold, silver and tobacco, sent to Spanish ports paid such a duty. Articles not enumerated, if exported under the Spanish flag, paid one per cent.; if under a foreign flag to Spain, two per cent.; and to foreign ports, three per cent. Silver coin sent under the Spanish flag to a foreign port paid two per cent., and four per cent. if carried under a foreign flag. The export duty on hemp depended on four sets of conditions. If exported (1) in Spanish ships to Spanish ports it paid one per cent., (2) in Spanish ships to a foreign port, one and one-half per cent., (3) in foreign ships to Spanish ports, or (4) in foreign ships to foreign ports, two per cent. Rice under the same conditions was free in the first and second instances, paid two per cent. in the third and four per cent. in the fourth. After 1831 rice exported in foreign ships paid an additional one per cent. for the benefit of the poor in San José.

Under this policy Spanish ships carried nearly all the imports and foreign ships nearly all the exports. Thus in 1854 the imports under the Spanish flag amounted to 5,544,844 pesos, and under foreign flags to 210,482 pesos. The exports under the Spanish flag amounted to 213,656 pesos, and under foreign flags to 5,138,691 pesos.

Although the rates were occasionally revised and some changes made in classification, the tariff remained substantially in this form until 1891. In 1857 rice and paddy were exempt from the import duty. Before that time no rice of any consequence had been imported. From the time when the importation of rice commenced the quantity of hemp, sugar, tobacco and copra exported commenced to increase steadily. Agricultural machinery, rails, cars and railroad machinery, as well as machinery for certain industries, books and scientific instruments and the like, were placed on the free list.

After 1870 the most of the duties were calculated with reference to quantity and not value. The revised tariff of 1891, which was in force at the time of American occupation, was continued until November 15, 1901. Under its provisions all Spanish goods imported under the Spanish flag were admitted free; the island market was carefully protected for the benefit of Spanish goods, the *ad valorem* duties were entirely abandoned and the free list practically wiped out.

Between 1890 and 1896, reviving an old custom, a loading and unloading tax of two per cent. *ad valorem* based on "official values" was levied on vessels frequenting Manila Harbor. In 1896 a *consumption tax* at specific rates was levied on spirituous liquors, beer and cider, salt, vegetables, flour and mineral oils. In 1897 six per cent. additional was levied as a war tax.

In 1880 the Board of Harbor Improvement was established at Manila, with authority to collect additional duties equal to twenty per cent. of the regular duties. At first this tax was collected by the board and was levied even on Spanish goods which were exempt from the specific duties of the general tariff. As goods from other ports of the Philippines did not pay this tax, the way was open for fraud, and it became necessary to reduce the rate to ten per cent. and collect it at all ports. Collections were thereafter made by the regular customs officials.

Wharf and harbor dues in later years amounted to one and one-half peso per ton of one thousand kilos (2,500 pounds) on all exports and one-half peso per ton on imports intended for transshipment to other parts of the islands. There was also a charge of 0.10 pesos per net ton for lighthouse dues, and the stamps which had to be purchased and used in connection with a ship's papers cost about four pesos. From 1528 until 1874 there was a peculiar charge on commerce which was known as the *average*. It came from the days when merchant ships had to be convoyed and was supposed to reimburse the government for special protection rendered commerce by the navy, judicial and lighthouse service.

To illustrate the way in which the additional taxes modified

the original specific duties, Professor Plehn takes the case of an importation of one hundred kilos of salt.<sup>7</sup> The following charges would have to be paid:

(1) Specific duty .....	0.650
(2) Surtax for Manila Harbor, ten per cent. of the above duty .....	0.065
(3) Six per cent. plus two per cent <i>ad valorem</i> (on official value of 0.40 peso) .....	0.032
(4) Consumption tax .....	1.000
Total .....	1.747

As was but natural, this method caused much friction, as the shipping people inevitably thought in terms of the specific tax and were greatly irritated by the extras which they regarded as impositions.

A considerable part of the income of the government was derived from various forms of trade monopolies. The sale of stamped paper brought a large revenue. Adhesive stamps were required to be used on insurance policies, drafts and bank checks, and such like instruments. Postage and telegraph stamps were handled in the same general way. The stamped paper was in various forms and was sold at different prices, but the kind that should be used in each business transaction was carefully determined by law. In order to avoid the handling of money by employees it was provided that a person who was required to pay a fine imposed by a court must purchase certain stamped paper, a package of which was cut through, one part, upon which proper memoranda was made, being retained by the official and the other part by the payer as his receipt. Considerable revenue was derived from the sale of papal bulls and indulgences, which, like tithes, was one of the revenues that passed to the Crown under the arrangement by which it assumed the obligation to support the churches.

The exclusive right to sell opium, which was farmed out, in

<sup>7</sup> *Pol. Sci. Quar.* XVII, p. 134.

1849 yielded five hundred thousand pesos per annum.<sup>8</sup> Cockpits were also sources of government revenue. A royal order of March 21, 1861, provided for the regulation of this popular amusement. The privilege to operate cockpits was sold to the highest bidder and yielded the government from one hundred thousand pesos to two hundred thousand pesos per year. In 1891 this source of revenue was relinquished to the local governments.

Lotteries were encouraged and from 1850 to the American occupation they brought in about eight hundred thousand pesos per year. Three-fourths of the receipts were distributed in prizes, and all unsold tickets were "played" by the treasury.

From 1850 to 1882 the general government levied a tax of ten per cent. on the fees received by municipal governments for licenses for markets, fisheries, ferries, fords, slaughter-houses, public carts and carriages, weights and measures, and the rents received from public property,—a tax on the taxes.

Considerable revenue was derived from the sale of forestry products and lesser amounts from the sales of public lands and commutations, or payments by squatters for the right to locate temporarily on public lands. The carefully guarded mining privileges never brought the government a very great amount of revenue.

For many years the government derived a substantial revenue from the profits of the trade and commerce in which it engaged as a trader or farmed out. The trade in quicksilver, salt, playing cards and, in later times, spirituous liquors, explosives, opium and tobacco, was reserved to the government and the profits were large.

The tribute which was paid in kind by the people, was exchanged at the royal stores in Manila for Chinese, Indian or Persian goods which were exported to Mexico in the galleons on government account. Prior to the opening of the nineteenth century all business not conducted by the royal stores was in the hands of a close corporation of Manila merchants, the *Consulado*,

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<sup>8</sup> The contractor paid a tax of 40 pesos per chest in addition to the regular customs duties.

afterward the *Compañía Guipuzcoana de Caracas*. The export trade, which was confined to the galleons, paid little revenue at the custom house. Of course all this has changed when the trade with Europe and the Asiatic coast was legalized and the port of Manila opened to foreign traders.<sup>9</sup>

The raising, manufacture and sale of tobacco was assumed by the government in 1871 and continued until 1884. It was the most important of all the government monopolies, and in it were manifested all the worst evils of such a system. At first confined to the district of Gapon, in Nueva Ecija, certain districts in the Cagayan Valley and the island of Martinique, it was in time extended to La Isabela, La Union, Ibra, Ilocus Sur and Ilocus Norte. In the Visayans the people were at liberty to raise tobacco or sell to whom they pleased, but the government established collecting centers where the product could be classified and stored. From 1842 the Igorots were allowed to cultivate tobacco, and in 1853 they produced twenty-five thousand bales. For many years this trade in tobacco furnished one of the principal items in the budget, but it ended like all government trade monopolies in the oppression of the people and in financial loss.

The monopoly involved the restriction of cultivation to certain districts, certainty in the amount to be raised, compulsory labor, the prevention of contraband production and sales, the purchase of the entire crop by the government at a price fixed by the purchaser, inspection of the growing crop and of the product, its classification, its transportation under government supervision, the manufacture in government factories, the prohibition of the export of any tobacco product except by the government, and the collection and purchase of as much as possible of the crop raised in districts not under the control of the monopoly.<sup>10</sup>

The natives were encouraged and assisted to settle in the selected districts, and for a while were well treated. To induce them to leave their old habitations, a very serious matter for a

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<sup>9</sup> In 1834. From 1785 to 1830 the trade other than between Manila and Acapulco was controlled by the *Real Compañía de la Filipinas*.

<sup>10</sup> C. C. Plehn, *Pol. Sci. Quar.*, XVII, p. 142.

Filipino, an old law which limited the responsibility of a native for debts to five pesos was revived. The emigration, while furnishing the necessary labor supply for the tobacco provinces, thus served also as a kind of bankruptcy proceedings. But after the people were settled in the country and had become dependent on the tobacco crop the government became remiss in paying for their products. The interests of the producers were neglected. No other crops were allowed to be raised, nor were the natives permitted merely to "scrape up the earth and plant where they liked." The forced labor system, which left such a blot on Dutch administration in Java, was in full force in Luzon, with the inevitable cruelties and abuses. Each family was forced to contract to raise four thousand tobacco plants each year, and a breach of the contract meant fine and imprisonment. The *cabeza de barangay* had to see that the families performed the contracts under the same penalty for himself. Every leaf of tobacco raised had to be delivered, and what graded below the required standard was destroyed. Juan was not allowed even the bad leaves for his own consumption.

In 1880 a Madrid paper, *El Liberal*, contained a letter from a planter,<sup>11</sup> from which it appears that the tobacco grower was only allowed to smoke tobacco of his own crop inside the aerating sheds, which were usually erected on the field. For smoking a cigar or a cigarette elsewhere he was fined. From these fines in Nueva Ecija alone the government received each year on an average seven thousand pesos. "The native grower," says Foreman, who lived in the islands at the time, "was subject to domiciliary search for concealed tobacco. His trunks, furniture and every nook and corner of the dwelling was ransacked." The people were absolutely at the mercy of the monopoly, and when the government took the tobacco and did not pay for it they were helpless.

Often the government paid in treasury certificates, which

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<sup>11</sup> Quoted in Foreman's *Philippine Islands*, p. 295 (1906).

Day (*The Dutch in Java*) says that the Filipinos under the monopoly system were worse off than the slaves in Cuba.



were immediately bought up by the speculators at a mere fraction of their face value. Toward the end the debt to the tobacco growers became so great that the governor-general in desperation appropriated the funds of the Deposit Bank, and its deposit notes, which were mostly held by clerks, were consequently dishonored.

And yet the natives are said to have generally opposed the abandonment by the government of the control of the tobacco industry, preferring its certainties to the uncertainties of private control. In 1882 the monopoly came to an end and the tobacco lands soon passed into the hands of private corporations and individuals.<sup>12</sup>

It is not easy to ascertain the exact amount of money which the Spanish government collected through taxation. The receipts of the central government, as shown by the annual budgets, do not show the taxes collected by the provinces and municipalities for their own uses. Nor do they include all the collections made by the church authorities, which were in reality taxes imposed by the state and formed no small portion of the burden imposed on the people. Taking the year 1894-1895, just before the outbreak of the insurrection, we find that the receipts of the central government were as follows:<sup>13</sup>

Direct taxes .....	\$6,659,450
Indirect taxes (customs) .....	4,565,000
Receipts for monopolies .....	1,112,850
Lotteries .....	873,000
From state property .....	195,000
Estimated petty receipts .....	174,000
Total .....	\$13,579,300

<sup>12</sup> *The Companie General de Tobacco de Filipinos* organized in 1883 is still an important factor in the business life of the islands. It is the only remaining Spanish business concern of importance, and the gentlemen responsible for its policy have worked in perfect harmony with the American government.

<sup>13</sup> The receipts for 1896-7 were \$17,474,000, Mex. The first budget was published in 1839. Foreman (*The Philippine Islands*, p. 227) gives some of the figures of the 1888 budget. For the budget for 1896-7, see *Sen. Doc. 62, 55 Cong., 3d Sess.*, p. 409; Sawyer, *The Inhabitants of the Philippines*, Appendix; in the *Report of the Military Governor of the Philippine Islands on Civil Affairs, 1900* (Rept. War Dept., 1900, I, Pt. 10).

The proceeds of direct taxation—that is, the poll and income taxes—thus produced one-half of the total revenue. Four million five hundred eighty-six thousand two hundred fifty dollars of it was collected from the *cedulas*, or personal identification certificates. Next to the *cedulas* the tax on commerce and industry was most productive, yielding \$1,323,000. The poll tax on Chinese produced \$482,800, and the tax on urban property \$110,400. Of the balance twelve thousand dollars came from the tributes received from wild tribes, thirty-five thousand dollars from the ten per cent. tax on railway tickets, seventy thousand dollars from a ten per cent. assessment on certain salaries, and forty thousand dollars from a twenty-five per cent. tax on the premiums for the collection of urban and industrial taxes, *cedulas* and the Chinese head tax.

The customs receipts, which amounted to \$4,565,000, were made up of \$3,800,000 from duties on imports, \$430,000 duties on exports, \$300,000 clearance dues, and the balance from fines and so forth. In the receipts from monopolies are included \$602,300 from the opium contract, and \$510,550 from stamps and stamped paper. The receipts from state property included rents or products as well as sales. The sale of forest products produced \$122,000, the sale of lands \$45,000, and of buildings \$25,000. Of the \$174,000 estimated petty receipts, \$100,000 was expected to accrue from profits on the coinage, \$9,000 from the sales of army and navy stores, \$13,000 from resources described as “indeterminate,” and \$30,000 was the estimated unexpended money in the secret service fund.

The expenditures for the same fiscal year were:

General obligations .....	\$1,360,506	53
State .....	65,150	00
Church and courts .....	1,687,108	88
War .....	4,045,061	84
Navy .....	2,450,176	77
Government (gubernacion) .....	2,220,120	98
Public Works and Institutions .....	628,752	46
Total .....	\$12,456,877	46

It appears that of the \$1,360,506.53 the sum of \$118,103 was spent on the colonial department in Madrid; \$70,822.73 on the colony of Fernando Po, on the coast of Africa; \$718,000 on pensions, and \$367,000 was paid for interest. Nearly all of the \$65,150 devoted to the state was used to defray the cost of Spain's diplomatic and consular service in China, Japan and the French and British colonies. Of the sum allotted for the church and courts, \$460,315.14 was spent on the courts, \$625,860 for salaries of the bishops and parochial clergy, and \$419,680 for materials for the ecclesiastical establishment. War, though it was a time of peace, absorbed almost a third of the entire revenue of the government. Seven hundred seventy-one thousand forty-three dollars twenty-five cents was paid for the salaries of officials in the administrative bureaus, \$1,997,649.27 for the army (13,291 individuals, of whom only 2,210 were Europeans), and \$1,332,484.32 for materials for the army.

Of the allotment for the treasury, \$232,996 went to maintain the central offices of the intendency-general and the controller-ship, and \$216,244 for provincial administration. Of the navy allotment \$1,147,540.20 went for materials and \$1,349,504 for salaries and wages. The governor-general and provincial governors and commanders received for salaries \$272,606, the Civil Guard cost \$843,735.91, the maintenance of communication, including posts, \$969,921.92, and the general directorate of the civil administration \$88,555. Of the money appropriated for public works, \$141,175.55 was spent for special institutions of instruction, chiefly in Manila, and \$109,690 for public works generally. One hundred forty-two thousand three hundred sixty-five dollars went for the general inspection of mountains, \$15,575 for mines, \$103,570 for agricultural schools and stations, and \$37,462 for navigation and lighthouses.<sup>14</sup>

These figures are interesting as a basis for comparing the Spanish and American administrations. It appears that taxes are

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<sup>14</sup> *Report of Schurman Commission* (1900), I, p. 79.

higher at present than they were before 1898, but they are more justly distributed and the people are better able to pay, and the proceeds are spent for the benefit of the country instead of being stolen or wasted.

## CHAPTER XI

### Personal Status and Trade Restrictions

Classification of Residents—Restrictions—Status of Natives—Slavery Forbidden by Law—The Tribute and Its Collection—The *Encomiendas*—A Sort of Slavery—Restrictions on Commerce—The Galleons—Japanese and Chinese—Segregation and Regulation of Chinese—Massacres—Effect of the Restrictive System on Character of the Natives.

The reader who would understand the Philippine people and judge of their capacity for self-government must never lose sight of the vital fact that they are the products of the Spanish mission system of colonial government, a system designed to save souls, but not to develop merchants, traders, agriculturists or citizens. At every point where it touched the natives it was restrictive and repressive, seeking to control his every thought and action. Nothing was further from the thought of the Spaniards, particularly those to whom Spain delegated the actual power, than to train the inhabitants for citizenship in a free constitutional government. The laws were paternal in character and were enforced by a superior class of foreigners temporarily resident in the country and to but a limited extent identified by interest or sympathy with the people. The Spaniards who were without some official position in either Church or State were of little importance in the community.<sup>1</sup>

The inclination of the Spanish mestizos was to identify themselves with the Spanish official class in order to share the privilege of living on their native blood relations. Frequently they

<sup>1</sup>The number of unofficial Spaniards increased during the last three or four decades. In 1899 a Spaniard, Señor José de Loyzaga, the editor of *El Comercio*, testified that there were about 3,000 Spaniards in the islands. "The Spaniards who hold extensive properties here are no more than three. The rest of them are engaged in keeping shops or something of that sort." *Rept. Schurman Com.*, II, p. 373.

were greater tyrants than the Spaniards. The civil, military and ecclesiastical officials, a few Spaniards who were engaged in some business favored by the government, such as farming a monopoly, the Chinese and the natives constituted the inhabitants. The great proportion of Chinese were native born, but they were always regarded as a distinct class and subjected to special laws and regulations.

Until about the middle of the nineteenth century foreigners, other than Chinese, were not permitted to reside in the Philippines. After the relaxation of the laws governing foreign commerce a few English, Swiss, French and American traders established themselves in Manila; but they were a negligible factor except in so far as they aided in developing commerce. They were, in a sense, transients, although but little more so than the Spanish civil and military official class who were there to govern the inhabitants for a while and then returned to the Peninsula or to some better official position in Mexico or South America. The sort of people who might accompany a governor-general to the Philippines was determined by law. Discharged soldiers were not allowed to remain in the country. Of course these restrictions were not always enforced, but the policy was fixed and definite.<sup>2</sup>

Trade was regulated for the benefit of the India House in Seville, and until after the loss of Mexico the foreign commerce of the islands was little more than a form of gambling engaged in by the public officials and their friends, often with money borrowed from the *Obras Pias*. Commerce, in a broad and generous sense of the term, was forbidden by law. Manufacturing in such a community could never rise much above the level of tinkering. Agriculture never made substantial progress. There were a few haciendas, or plantations, which were owned by the friars or by Spaniards, or caciques, and worked by tenants or by workmen who were generally in a condition of peonage, if not

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<sup>2</sup> From December, 1853, to November, 1854, there were four governor-generals. From 1835 to 1897 there were fifty governor-generals, each serving an average of one year and three months.

actual slavery. The small farms were constantly being divided among heirs until they became little more than truck patches.

In the provinces the people lived in villages gathered about great stone churches and *conventos* in which the parish priest lived and from which he practically governed the local community. All the political institutions were designed for the attainment of religious ends. The legal status of the natives was that of minors who were never expected to reach their majority. They were the wards of the State, by which they had been placed in the custody of the Church to be made into Christians, but never into citizens.

The system was admirably adapted for its purposes. It assumed that the Indians were incapable of development; that they were children and would remain children through successive generations. It contemplated a perpetual condition of tutelage. It succeeded for centuries in isolating the country from the influence of liberal ideas which were revolutionizing and remaking the Western world. It left its mark upon every Filipino who was born and reared under its influence. It paralyzed individual initiative, denied the right to participate in public affairs or to acquire modern scientific education. It kept the people shrouded in the mists of economic, religious and political medievalism, and it fought with unparalleled bitterness every attempt to let in the light of modern civilization. Its beneficial work, for which full credit should be awarded, was completed by the end of the first half century of Spanish occupation; thereafter it was obstructive, repressive and detrimental to the best interests of the people.

When the Spaniards arrived in the Philippines they found three conditions of persons among the natives—the chiefs, the *timaguas* or plebeians, and slaves. Of the latter class there seems to have been a great number. Slavery was an established institution and has never been entirely disestablished in all parts of the Archipelago. According to Morga there were two classes of slaves—*seguiguilires*, who were in absolute slavery and required to do all kinds of work in and about the master's house, and *namamahays*, who lived in their own houses and came at the

proper times and seasons to assist their lord in planting and harvesting, constructing his buildings, acting as oarsman for his boats and serving in his house when guests of distinction were present. All classes were subject to sale by the master. The descendants of slaves were of the class of their parents. If either the father or mother was free and the other a slave, a single child was half free and half slave. If there was more than one child the first born followed the condition of the father and the second that of the mother. If there were an odd number of children the last born was half free and half slave. The children of a free father or mother and a half slave were only one-quarter slave. These partial slaves served their masters during every other moon. The price of a slave depended upon his class and the degree of his slavery.

A free man became a slave if he entered the house of a chief without asking permission, if he crossed the fields planted by a chief, if he even looked at a chief's wife; but it was not a common occurrence for one to enter the state of slavery in this manner, as the offenses described were considered so very serious that but rarely was any one guilty of their commission.

The most numerous slaves were probably those who were in the condition now known as peonage. When a man needed money badly it was customary to offer himself as security for a loan and to serve as a slave to his creditor until the debt was paid. A debt of a few pesos, when properly manipulated, was sufficient to make a man a slave for life. A creditor might transfer both the debt and the security therefor to another person. As the wealth and power of each headman depended largely on the number of his slaves he of course tried by all imaginable means to increase their number.<sup>3</sup>

<sup>3</sup> For detailed descriptions of slavery among the primitive Filipinos, see letter of Martín De Radá (1574), B. & R., XXXIV, p. 292; Chirino's *Relación* (1604), B. & R., XIII, p. 56; Morga's *Sucesos* (1609), B. & R., XIV, p. 297-310; Blumentritt, *De los estados Indígenas Existent en Filipinas en Tiempo de la Conquista Española*, in the *Revista Contemporánea* (Madrid, 1886).

A great part of this pamphlet and quotations from other early writers will be found in a report of a committee of the Philippine Assembly entitled, *Informe Sobre la Esclavitud y Peonaje en Filipinas* (Manila, 1914).



There are many early Spanish laws and decrees forbidding the holding of natives in slavery.<sup>4</sup> The Bull of Gregory XIV of April 18, 1591,<sup>5</sup> recited that some, despite the edict of the king, continued to keep their slaves, bought or taken in war, "therefore, in order that, as is befitting to reason and equity, the Indians themselves may freely and safely, without fear of bondage, come and go to their Christian doctrines and to their homes and possessions," it was ordered under pain of excommunication that all slaves be freed.

Notwithstanding the elaborate legislation, slavery, in more or less disguised forms, continued to exist during the entire Spanish period, and remnants of it still exist even in the civilized parts of the islands,<sup>6</sup> although contrary to law.

Under the system which was introduced immediately after the conquest of the country, every native family which acknowledged the authority of the Spaniards was required to show the sincerity of his loyalty by paying tribute to the government or to some favored person to whom the privilege of receiving the same had been granted. Had the letter of this law been observed the tribute would not have imposed any serious burden on the families. It was no greater than any intelligent community of savages should be willing to pay cheerfully for protection against their raiding neighbors, and even the Igorots of

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<sup>4</sup> Many of these laws are quoted in the pamphlet *Informe Sobre la Esclavitud y Peonaje en Filipinas*, referred to above, pp. 10-19.

<sup>5</sup> See B. & R., VIII, p. 71.

<sup>6</sup> In 1913 Commissioner Worcester published a report in which he asserted that slavery and peonage existed in the Philippines at that time and the same conclusion was reached by W. H. Phipps, the Insular Auditor, who made an investigation about the same time. The Filipino leaders indignantly denied that slavery existed and the Assembly conducted an elaborate investigation into the conditions and reached the conclusion that slavery did not exist. The agitation resulted in the enactment by the legislature of Act No. 2300, which supplied the deficiencies of the Spanish law and by providing penalties for the offense of holding persons in involuntary servitude made the Act of Congress of July 1, 1902, which had been held not self-executing, effective. See *Slavery and Peonage in the Philippine Islands*, by D. C. Worcester, Manila, 1913; *Rept. on Slavery in the Philippines*, by W. H. Phipps, Manila, 1913; *Informe Sobre la Esclavitud y Peonaje en Filipinas*, Manila, 1914.

The controversy, which was personal and political, reduced itself to a mere matter of definition of the word slavery. It was conceded by the investigators that there were many scattered instances of persons who were being deprived of their liberty and required to work for a master against their will.

northern Luzon have come to take this view of its legitimate successor, the personal *cedula*. But the Spaniards always had trouble in collecting the tribute. Entire villages moved away, and many of the people preferred to flee to the mountains rather than pay for being civilized. The amount of the tribute was ordinarily not sufficient to be oppressive and was never as objectionable as the compulsory service on the public ways and works, which was known as the *polos y servicio*.<sup>7</sup>

The *encomenderos* profited by the rise of prices, and the king, at the instigation of the friars, ordered that the natives might pay the tribute in kind or in money at their option. Morga says that this was a mistake. They could without too much effort raise the cash, but "now since they naturally dislike work they do not sow, spin, dig gold, rear fowls or raise other food supplies, as they did before when they had to pay their tribute in these articles . . . and the country which was formerly well provided and well supplied with all products is now suffering want and deprivation of them."

Among the institutions developed by the Spaniards in the work of governing their colonies, none is more interesting than the system by which the countries were divided among the deserving friends of the king or governor, who, in consideration of the gift, assumed responsibility for the welfare of the natives, the collection of the tribute and the payment of a portion thereof to the government.

The *repartimiento* was at first a grant of land in a conquered country, but as the land was of no value without laborers it was soon extended so as to include the natives thereon. The word *encomienda* seems to describe a later development of the system. According to Helps,<sup>8</sup> it was a right conceded by royal bounty to well-deserving persons in the Indias, to receive and enjoy for themselves the tribute due from the Indians who should be as-

<sup>7</sup> Morga's *Sucesos*, B. & R., XVI, p. 164. Originally personal service was due to Spaniards. Rizal in a note to Morga says that in 1890 it had disappeared from the law but continued to exist in practise. The amount then due the state was fifteen days' labor.

<sup>8</sup> *Spanish Conquest in America*, III, Chap. 2. See also Moses, *Spanish Rule in America*, p. 93, and B. & R., II, p. 54.

signed to them, with the duty of providing for the good of the Indians in spiritual and temporal matters, and of inhabiting and defending the provinces where their *encomiendas* should be granted to them. It was simply a mild form of slavery. The grantees were supposed to maintain order, attend to the welfare of the people and protect them from oppression by soldiers and other Spaniards. In the event of any calamity or public disaster they were expected to care for the people. The amount of services they could require was in theory definite; in practise very much otherwise. They were required by the Laws of the Indies to build stone houses on their lands and otherwise develop the country.

One of the vessels which followed Legaspi carried an order directing him to divide the islands into *encomiendas* among the conquerors. As rapidly as the country was subjugated it was divided among officers and soldiers. The energetic Salcedo was given the *encomienda* of Vigan, and upon his death he left his property to the Indians who had been granted to him. A few of the *encomiendas* were reserved for the king. So rapidly did the work proceed that about twenty years after the system was introduced the entire island of Luzon, so far as it was ever occupied, had been granted in *encomiendas*.<sup>9</sup>

From Morga's report it appears that there were then 266 *encomiendas*, of which only thirty-one were the king's, paying in all

<sup>9</sup> *Report of the Encomiendas in the Islands in 1591. Archivo del Bibliofilo Filipino*, IV, p. 39, quoted in B. & R., I, p. 39.

In his *Secesos* (1609), B. & R., XVI, p. 157, Morga says: "All these islands and their natives so far as they were pacified were apportioned into *encomiendas* from the beginning. To the royal crown were allotted those which were the chief towns and ports, and the dwellers of the cities and towns; and also other special *encomiendas* and villages in all the provinces for the expenses and necessities of the royal estate. All the rest were assigned to the conquerors and settlers who have served and labored for the conquest and pacification, and in the war. This matter is in charge of the Governor, who takes into consideration the merits and services of the claimants. In like manner the villages that become vacant are assigned. There are many very excellent *encomiendas* throughout the Islands, and they offer many profits, both by the amount of their tributes and by the nature and value of what is paid as tribute. The *encomienda* lasts, according to the royal laws and decrees, and by the regular order and manner of succession to them, for two lives; but it may be extended to a third life, by permission. After it becomes vacant it is again assigned and granted anew."

166,903 tributes. It is estimated that each tribute represented five persons. This probably represents the population of the islands three hundred years ago, excluding what are known as the non-Christian tribes and the Moros.

In Spanish-America no one was permitted to hold more than three hundred Indians, but in the Philippines one thousand or more *tributantes* were often held by a single person. The grantees were supposed to live on their estates, but in practise they soon became merely collectors of tribute, non-resident *encomenderos*, or landlords who once a year went the rounds and made their collections. If payment was refused the headman was whipped or otherwise punished. Some of the royal decrees provided that only Christian Indians should be given to the *encomenderos*, but like other restrictive laws they were not always observed. Under the system all peacefully inclined Indians who accepted the government and were Christianized could be made the slaves of the *encomenderos*. Surely this was not much of a reward to offer an Indian who was hesitating between becoming a convert and a *remontado*.

The king attempted to regulate the forced labor of the Indians by just laws,<sup>10</sup> but the laws were generally ineffectual. After making allowance for the possibility of exaggeration, it is apparent from Bishop Salazar's description of conditions that the institution of the *encomienda*, although an efficient instrument for establishing and maintaining order, was productive of much hardship and suffering.

During the first thirty years of Spanish occupation commerce with the coast of Asia was free and unrestricted. Hardly had Manila been established, when a ship arrived from China loaded with silks, porcelain, gunpowder, mercury, pepper, cloves, cinnamon, sugar, iron, copper, lead, wax, lime, and, as some assert, images of saints and crucifixes for sale to the Christians. The trade with China increased rapidly, and for some years Chinese goods were the only articles sent from the Philippines to Mexico and other Spanish-American ports. European coun-

<sup>10</sup> See Law of Philip III, May 26, 1609, in B. & R., XVII, p. 79.

tries were not allowed to engage in commerce with the islands, but as ships from India and Siam could enter the Philippines, it was only necessary for the English, Dutch and French merchants to land in Manila and from there import their goods in ships under the apparent command of Asiatic captains.

But the merchants of Cadiz and Seville, who enjoyed a monopoly of the commerce with America, looked with disfavor on the trade in silks and Chinese products that had grown up between Manila and New Spain.<sup>11</sup> At their instance, about 1593, the king issued a royal decree which restricted the trade between the Philippines and Mexico to two hundred and fifty thousand dollars per annum for exports to Mexico, and five hundred thousand dollars per annum for imports to the Philippines, to be carried in two ships not to exceed three hundred tons' burden each. It was also provided that no ship should bring more than five hundred thousand dollars in money including the *situado* sent by the king to pay the cost of the administration in the islands. No one could directly or indirectly bring bullion from Mexico to the Philippines, and before an immigrant could bring in even his own money he had to give a bond guaranteeing that he would reside in the Philippines for not less than eight years. For a time these regulations were evaded, but in 1604 the *cedula* of 1593 was republished and thereafter strictly enforced.

The story of the trade which was carried on between Acapulco and Manila is one of the strangest in the history of commerce. The profits were enormous. It was a lottery in which, barring accidents, every ticket drew a prize, and it was as demoralizing as any other lottery.

Every Spaniard was entitled to a share in the voyage in proportion to his capital and his importance in the community. According to the regulations the ship's hold was divided into a certain number of spaces called *boletas*, and each *boleta* was arranged to hold a package of merchandise of a certain shape and

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<sup>11</sup> *Commerce of the Philippines with Nueva España* (1640-1736). This elaborate document contains the protest of the Manila people against the restrictive policy. B. & R., XLIV, p. 225 *et seq.*, and XLV, pp. 29-88.

size. These *boletas* were about four thousand in number, and were subdivided into parts in order to provide facilities for the "small shipper." The right to participate was evidenced by tickets which were distributed by a board composed of the governor, attorney-general, the head of the *audiencia*, one *alcalde*, one *regidor* and eight prominent citizens. The tickets were divided into eighths. In the eighteenth century they were worth from eighty dollars to one hundred dollars in times of peace, and as much as three hundred dollars in war times. We learn that in 1766 the tickets sold for two hundred dollars each and that the galleon went loaded beyond the legal limit. All except favored officials had to prove that they were members of the Manila Chamber of Commerce, and that they had contributed their share of the twenty thousand dollars which had to be paid to the captain of the galleon for each trip from Manila to Mexico and return. Space was reserved for certain officials, widows in indigent circumstances, and others whom it was desired to favor.<sup>12</sup>

Bourne has drawn from Le Gentil and Zuñiga the following account of the manner in which this trade was managed.<sup>13</sup> "The small holders who did not care to take a venture in the voyage disposed of their tickets to merchants or speculators, who borrowed money, usually of the religious corporations, at twenty-five to thirty per cent. per annum to buy them up, and who sometimes bought as many as two or three hundred. The command of the Acapulco galleon was the fattest office within the gift of the governor, who bestowed it upon 'whomsoever he desired to make happy for the commission,' and was equivalent to a gift of from fifty thousand dollars to one hundred thousand dollars. This was made up from commissions, part of the passage-money of passengers, from the sale of his freight tickets,

<sup>12</sup> Tomas de Comyn says "that each shipper had to pay down twenty-five to forty per cent. for freight, according to circumstances, which money is distributed among certain canons, aldermen, subalterns of the army and widows of Spaniards to whom a given number of tickets or certified permits to ship are granted, either as a compensation for the smallness of their pay, or in the way of a privilege." Rojo refers to "having completed the distribution or allotments of the tickets in the best manner that this labyrinth of entanglements, complaints, and vileness permits." B. & R., XLIX, p. 196.

<sup>13</sup> B. & R., I, Int., p. 64.

and from the gifts of the merchants. Captain Arguelles told Careri in 1696 that his commissions would amount to twenty-five thousand dollars or thirty thousand dollars, and that in all he would make forty thousand dollars; that the pilot would clear twenty thousand dollars and the mates nine thousand dollars each. The pay of the sailors was three hundred and fifty dollars, of which seventy-five dollars was advanced before the start. The merchants expected to clear one hundred and fifty to two hundred per cent. The passenger fare at the end of the eighteenth century was one thousand dollars for the voyage to Acapulco, which was the hardest, and five hundred dollars for the return. Careri's voyage to Acapulco lasted two hundred and four days. The ordinary time for the voyage to Manila was seventy-five to ninety days." "One such voyage," wrote Careri, "is enough to destroy a man or make him unfit for anything as long as he lives."

The business of the colony was confined almost entirely to this demoralizing galleon trade with Mexico. "The people of Manila," said Archbishop Rojo, "are only busy for two or three months each year getting ready their bales for the Acapulco ship and during the rest recline at ease. This ease is the pillow and stimulus of other vices, and one of the effects which is experienced is the multitude of clerks and the huge amounts of copying paper which are consumed throughout the year."<sup>14</sup>

The trade continued until 1718, when the merchants of Seville and Cadiz succeeded, over the protest of the viceroy, in having the importation of Chinese silk into Mexico forbidden. But the merchants of Manila were also active and sent a representative to Madrid, who, after a long struggle before the Council of the Indies, succeeded in getting the law modified so that in 1734 the trade was reopened, and the amounts of exports and imports increased to five hundred thousand dollars and one million dollars, respectively. The last galleon sailed from Manila in 1811 and returned in 1815. Thereafter the trade was in the hands of private persons, but was limited to seven hundred and

<sup>14</sup> Rojo's Narrative, B. & R., XLIX, p. 193.

fifty thousand dollars a year and confined to designated ports in Mexico and South America. The direct trade with Spain was carried on by a public ship until 1783, when it was granted to the Royal Philippine Company as a monopoly. This company ceased to exist in 1830.

In the early years there was some communication between Spain and Japan, and this continued until the massacre by the latter of the Christian missionaries. At that time many of the converted Japanese escaped to Manila, where they were allowed to reside. The missionaries did all in their power to encourage Japanese and Chinese to come to the islands because they hoped thereby to increase the number of their converts. The Chinese were trading with the natives at Manila before the arrival of the Spaniards, and after the founding of the Spanish city they settled there in such numbers as to create apprehensions. In 1580 Governor Ronquilla inaugurated the policy of segregating the Chinese, Japanese and the Malays from Borneo, and subjecting them to special laws and restrictions.<sup>15</sup> He built the *Parian* under the guns of the fort and the *alcaceria* or silk market, where all except such as were married to Filipino women were required to live and transact their business. As the number continued to increase, the *Parian* was relocated and laid out as a *barrio*. It soon grew into a Chinese town with its own church, cemetery and priest. But it was always under military guard. The *Parian* became the commercial quarter of Manila where all kinds of Chinese, Japanese and European goods, wares and merchandise were sold.

The Chinese were the artisans and laboring men, the carpenters and blacksmiths, as well as the merchants of the city. In the course of time the entire community became dependent upon them. They had the same characteristics then as now. They were willing and anxious to work, and as neither the Spaniards nor the Indians were particularly ambitious in that direction, their opportunities were practically unlimited. It was inevitable

<sup>15</sup> *Vide Extracts from the Laws of the Indians, Relative to the Chinese in the Philippines*, B. & R., XXII, p. 151.



that they should become the possessors of most of the wealth of the community. A good idea of the extent of the business is gained from the following contemporary letter quoted by Argensola.<sup>16</sup>

“The city is remarkable for the size of the buildings, which have surprised me. I shall mention only one, which is the chief one. It has an *Alcayceria* that contains all kinds of silks and gold, and mechanical trades; and for these things there are more than four hundred shops, and generally more than eight thousand men who trade therein. When the trading fleet comes in from China with their merchandise . . . there are always more than thirteen thousand or fourteen thousand men. They bring wonderful things that are found in Europa.”

The Chinese were a source of constant worry to the authorities, and the policy pursued was that of restriction and regulation. It was never satisfactory. The enforcement or non-enforcement of the strict regulations was used by the officials as a means of graft, and many accumulated wealth through the possession of discretionary powers in this respect. Fear, jealousy, envy, race hatred, and policy tempted the Spaniards to destroy the Chinese, and this they did at pretty regular intervals. They were probably justified in their distrust and fear. The yellow peril had already appeared upon the horizon. The shadow of a probable invasion was always over the land. After the visit of the mandarins, the Spaniards thought it advisable to abandon the Moluccas, in order to devote their entire strength to preparing for defense against the Chinese. In 1603 there were only about eight hundred Spaniards in the city of Manila and its environs, while there were about twenty thousand Chinese, who were often bold and insolent. The revolt against Rajah Brooke in the near-by country of Sarawak two centuries later shows what they were capable of doing. In the troubles of 1603 the Chinese probably took the initiative; if so, they paid the penalty of annihilation.

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<sup>16</sup> *Conquista* (1609), B. & R., XVI, p. 296.

But after the massacre the Spaniards began to fear that they had overdone the matter, and that the citizens, Spaniards as well as Indians, would be under the dire necessity of going to work. This, we are told, "conspired to sadden the minds of the Spaniards." Morga says that "after the end of the war the need of the City began, for, because of not having Chinese who worked at the trades, and brought in all the provisions, there was no food, nor shoes to wear, not even at excessive prices. The native Indians are very far from exercising those trades, and have even forgotten much of farming and the raising of fowls, cattle and cotton, and the weaving of cloth, which they used to do in the days of their paganism and for a long time after the conquest of the country. In addition to this, people thought that Chinese vessels would not come to the Islands with food and merchandise on account of the late revolution."<sup>17</sup>

So the governor sent a letter to China explaining why it had been necessary to kill the Sangleys and expressing the hope that the little incident would not prevent their friends from coming to Manila in the future. The Chinese, as usual, did not take the killing of their compatriots too seriously, and their goods were soon coming to Manila in quantities sufficient to supply the necessities of the inhabitants. The good people had learned a lesson, and thereafter a few Chinese were always left to do the work. In 1639, when they had increased to forty thousand, they killed only twenty-two thousand. After the slaughter in 1662 about eight thousand were left, but by 1755 they had again accumulated wealth, and at the instigation of the Spanish merchants, who had organized a society to take over all the buildings and grounds occupied by the Chinese communities, the governor-general ordered all the Chinese except such as had become Christians to be expelled from the islands. There were only 515 Christians, but with characteristic Celestial shrewdness about one thousand others announced that they were earnestly studying the

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<sup>17</sup> This was written about thirty-five years after Manila was founded.

Rizal in a note to his edition of Morga's *Sucesos* cites this passage to sustain the view that the coming of the Spaniards and Chinese destroyed the industry and agriculture of the country.

doctrines and expected soon to become Christians, and they were permitted to remain.

The destruction of the Chinese in the provinces after the departure of the British again produced a shortage in the labor supply, and the order of expulsion was revoked. In 1804 it was ordered that only those engaged in agriculture should be allowed to live in the country. But a Chinaman will not long remain an agriculturist. He travels rapidly from a garden plot to a *tiende* and by easy stages to a wholesale house in *Calle Rosario*. A few years later they were permitted to engage in any branch of industry providing a permit was first obtained from the proper government official. It is needless to say that in many cases these permits cost a great deal of money.

During later times the Chinese greatly increased in number. In 1876 there were over thirty thousand, and in 1886 the number had increased to one hundred thousand. Many were smuggled in from Borneo, a custom which to some extent has survived to the present time. In 1886 the Chinese were forbidden to reside in the provinces or to trade with the Moros. Two years later they were forbidden absolutely to live in Mindanao. Such was their status when the country passed under the sovereignty of the United States, and her exclusionary acts were made operative.

The Spanish system of government rested like a dead weight upon the millions of common people. There was little to encourage any one to aspire to improve his condition; nothing was required of the native but to be good and obey orders. Slavery, the *encomienda*, the trade restrictions, forced labor, personal service in many forms, all served to prevent the growth of self-respect and personal independence. The perpetual quarrels of the officials and the ecclesiastics, the oppressive acts of the military officials and *alcades*, rendered the government an object of hatred to the people. With examples of official corruption constantly before them it is not surprising that they were not imbued with high ideals of government and were inclined to accept the view that the first duty of every public servant was to

provide for his own future out of the public funds. Certainly it was not a school in which to train an impressionable people in the civic virtues or to develop in them the qualities necessary for self-government.



## PART IV

### American Occupation and Change of Sovereignty

*"In proportion as the navigation of the west coast of America extends the influence of the American element over the South Sea, the captivating, magic power which the great Republic exercises over the Spanish Colonies, will not fail to make itself felt also in the Philippines. The Americans are evidently destined to bring to a full development the germs originated by the Spaniards. As conquerors of modern times, they pursue their road to victory with the assistance of the pioneer's ax and plow, representing an age of peace and commercial prosperity in contrast to that bygone and chivalrous age whose champions were upheld by the cross and protected by the sword."* Jagor, *Travels in the Philippines*, (London, 1875), p. 369.

*"To extend rulership over subdued natives is to bad men a felicity, but to good men a necessity."*—St. Augustine.

*"No Constitution was ever before so well calculated as ours for extensive empire and self-government."*—Thomas Jefferson (1809).



## CHAPTER XII

### The Capture of Manila

Conditions in 1898—Means of Defense—Opinions as to Relative Power—Dewey at Hong Kong—And Mirs Bay—Localizing a War—Spanish Preparations at Manila—Destruction of the Spanish Fleet—At Anchor on the Battle-Field—New Problems for the Government—Attitude of Foreign Naval Officers—The Germans—The Filipinos Disloyal to Spain—Arrival of American Troops—Camp Dewey—The Military Situation—Delaying the Attack—Plan for Painless Extraction of Spaniards—Night Attacks—Demands for Surrender—Capture of the City—Terms of Capitulation—The Insurgents and Their Claims—Conflict Avoided—The *Matériel* Captured.

The eventful year of 1898 found the Philippines enjoying a condition of comparative quiet. The insurrection had been brought to an end by the arrangement at Biak-na-bató, and the leaders were scattered in foreign countries. But there were rumblings of discontent over the failure of the government to institute reforms which it was claimed were a part of the consideration upon which the insurgents had laid down their arms, and numerous small bodies were still disturbing various sections of the country.<sup>1</sup>

Primo de Rivera was governor-general,<sup>2</sup> with Admiral Montojo in command of the fleet. The serious insurrection of 1896 had made it necessary to strengthen the army and navy, and although a number of soldiers had been returned to the Peninsula the Spanish military power in the islands was much greater than it had been for many years.<sup>3</sup>

<sup>1</sup> The most serious disturbances were in southern Pangasinan, Zambales and Cebu. Report of Consul-General Williams. *Sen. Doc. 62, 55th Cong., 3d Sess.*, p. 221.

<sup>2</sup> On April 10 he was succeeded by Lieutenant-General Basilio Augustin, "the well-meaning but rather dunderheaded old soldier whom the Liberals had sent out to take his place."

<sup>3</sup> For a memorandum of Spanish troops in the Philippines, see *Correspondence Relating to the War with Spain*, II, p. 654. General Corbin estimated the number at 41,014.



Admiral Montojo's fleet in Philippine waters was composed of the *Reina Cristina*, the *Castilla*, the *Isla de Cuba*, the *Isla de Luzon*, the *Don Juan de Austria*, the *Don Antonio de Ulloa*, the *Marques del Duero*, and numerous gunboats and smaller craft, in all 11,689 tons, with a complement of 1,664 men.

Notwithstanding this formidable force the Spaniards were little better prepared to defend the islands against an efficient modern military force than they had been a century and a half earlier, when the British fleet sailed into Manila Bay. The local authorities were familiar with the political situation in Europe and America and had been warned of the probability of war between the United States and Spain, but, like Roja and his associates on the former occasion, they seem to have felt that their very remoteness was a defense from attack.

Until a hostile fleet was already on their coasts they made no serious effort to make effective the means of defense which were at hand, and then, amid the usual diversity of counsel, they merely succeeded in establishing their utter incapacity.

At the opening of the war both the United States and Spain had the beginnings of a modern navy, but neither was in even the second class as naval powers. As events showed, the United States navy was superior in all respects to that of Spain, but the world was not fully informed as to the facts and generally overestimated the Spanish power, naval and military.

But the American government had very exact information as to the inefficiency of the Spanish navy, while the Spanish political authorities either wilfully closed their eyes to the situation, or were so blinded by prejudice that they were unable to see. The mere disparity of heavy armament, which was well known, should have been enough to "give food for thought had the Spanish authorities but thought at all."

Few Americans realize the tenacity with which the average European believed, and still believes,<sup>4</sup> that the Americans are a

<sup>4</sup> In 1814 the *London Graphic* quotes Mr. Gerard Finnes, described as "one of the greatest naval experts of Europe," as saying:  
"There are a hundred indications which show that a collision between

mercenary, mongrel people in whom the sentiment of patriotism must necessarily be very weak. The French press particularly was certain that little could be expected of the American navy, manned as it was alleged to be by "foreign mercenaries."

A leading Spanish paper,<sup>5</sup> in commenting on the approaching war, said, "We shall conquer on the sea, and I am now going to give you my reasons: The first is the remarkable discipline that prevails on our warships; the second is, as soon as fire is opened the crews of the American ships will begin to desert, since we all know that among them are people of all nationalities—ship against ship, therefore, a failure is not to be feared."

Continental Europe may be excused for holding such dangerous opinions and the expressions of the Spanish press, like the proclamations of the governor-general and the archbishop of the Philippines may have been intended for popular consumption, but that intelligent Englishmen familiar with naval history should make such statements is less comprehensible. And yet an English technical magazine,<sup>6</sup> after an elaborate analysis of the two fleets, informed its readers that, "The three thousand Swedish sailors who were to form a part of the complement of the United States sailors might be excellent material if fighting in defense of their own hearths and homes, but naval warfare of to-day is no pastime—it is a grim and ghastly reality, swiftly executed, and no hirelings of an alien state are likely to come out of such a terrible ordeal. In point of fact, we do not believe that the Yankees thoroughly understand the spirit of mischief that they seem determined to evoke."

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Japan and the United States is approaching. The Americans live in a fool's paradise in this matter.

"The Japanese are full of contempt for American brag and bounce for the lack of national spirit or even of true nationality. They have a profound disbelief in the war-worthiness of the American navy and an acute realization of the fact that the strategical situation is overwhelmingly in their favor." *Cong. Rec.*, June 23, 1915.

<sup>5</sup> *El Heraldo of Madrid*, March 6, 1898. The chief owner of this paper was captain of the *Cristobal Colon*.

<sup>6</sup> *The Engineer*, London, February 15, 1898. American names are misleading; a Swedish or French name on the roster does not necessarily mean that the bearer thereof is a foreigner. His ancestor may have signed the Declaration of Independence.

The Asiatic squadron, under the command of Commodore George Dewey, had been ordered to concentrate at Hong Kong. On February 25 Mr. Roosevelt, as acting Secretary of the Navy, had cabled Dewey to keep his bunkers full of coal and in the event of a declaration of war to prevent the Spanish fleet from leaving the Asiatic coasts, and *then to take the offensive in the Philippines.*<sup>7</sup>

Events moved rapidly. Diplomatic relations between the two countries were severed on April 20, and on the following day the American minister at Madrid demanded his passports. On April 21 the *Baltimore* arrived at Hong Kong with ammunition for the fleet. Although war had not yet been formally declared, Admiral Sampson was ordered to blockade Cuba, and Dewey was directed to hold himself in readiness for further orders. On April 24 he was notified by the British authorities that in accordance with the requirements of the law of neutrality he must leave the harbor of Hong Kong within twenty-four hours.

The European view of the situation is very well illustrated by an incident which occurred as the fleet was preparing to sail. The German admiral, Prince Henry of Prussia, went aboard the *Olympia* and said, "Good-bye, Commodore; I fear I shall never see you again. You are going on a desperate undertaking."

On the morning of April 25 the last of the American ships sailed out of the harbor with the cheers of the British soldiers and sailors ringing in their ears, but they only went to Mirs Bay, some thirty miles away, where the evening was spent in distributing ammunition and preparing the fleet for action.<sup>8</sup> On the following day a revenue cutter arrived from Hong Kong with the news that war had been declared and with orders for Dewey to proceed at once to the Philippine Islands and commence operations against the Spanish fleet.<sup>9</sup> Within a few hours thereafter the squadron, consisting of the *Olympia*, *Baltimore*, *Boston*, *Ral-*

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<sup>7</sup> Dewey, *Autobiography*, p. 179. Roosevelt, *Autobiography*, p. 234.

<sup>8</sup> Dewey, *Autobiography*, p. 194.

<sup>9</sup> *Ibid.*, p. 195.

*Albatross*, *Concord*, *Petrel* and the revenue cutter *McCulloch*, was at sea speeding southwestward toward the coast of Luzon.

When two nations are at war the point of attack and the extent to which the attack shall be pushed are determined by the particular circumstances, local conditions and the objects for which the war is waged. On land the combatants are legally confined to their own territories unless, as in the Russo-Japanese War, they are struggling for the possession of the territory of some third power. In that instance, through the influence of the Powers, actual hostilities were to a great extent localized. But the open sea is the common battle-ground for all nations. Navies wander over it in times of peace, and when war commences they strike the forces of the enemy which are nearest. The war with Spain, which grew out of the Cuban situation, naturally localized in the West Indies, but when it opened both belligerents had fleets in the Far East, and it was inevitable that they should come into collision.

The Spanish authorities in Manila were promptly notified by cable of the sailing of the American fleet. As early as April 19 Admiral Montojo had been informed by Madrid "that circumstances demanded the closing of the ports of the Islands with mines," and had replied, "Your Excellency is aware that I have no mines." But mines were somehow improvised and anchored in the channel near Caballo Island, but so deep that they were harmless. A leading English writer on naval affairs<sup>10</sup> says: "The water at the entrance of the bay was so deep as to render the placing of mines difficult, but numerous powerful contact mines were anchored in the channel by the Spaniards. They were, however, placed with the greatest carelessness at depths far beyond the reach of any ship's hull and were simply wasted."

Admiral Montojo advised that the port of Subig should be fortified and that the fleet should repair there and wait the enemy, "provided they come at all, keeping the fleet in readiness,

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<sup>10</sup> Wilson, *The Downfall of Spain*, p. 124. See also *Harper's Magazine*, Feb., 1899, p. 481; *The Defense of Manila Bay*, by Lieut. J. M. Ellicott, *Proc. U. S. Naval Institute*, June, 1900; Dewey, *Autobiography*, pp. 201, 202.

in case Manila should be assaulted, to hasten there at night and attack the Americans, as soon as the governor-general sends notice by telegram that the time is propitious for such a manœuvre." But, alas! that propitious time never came. The childish suggestion throws a flood of light upon the incapacity of the Spaniards to do much more in such a situation than to fight bravely. A hurried attempt was in fact made to fortify Subig Bay, but the utter futility of it all soon became apparent even to the Spaniards.

All naval authorities are agreed that of the possible courses open to the Spaniards they selected the one which offered the least chance for success. Had Montojo met the American ships as they were passing Corregidor in the night and made a sharp vigorous attack he might have inflicted great damage and possibly have left Dewey in a serious condition. Had he abandoned the ships and added their guns, equipment and men to the defenses of Manila it is questionable whether Dewey could, under such conditions, have done more than institute a blockade.

The third course was to fight at anchor under the guns of a fort, and this was the one adopted. But even here, having the choice of two locations, the Spaniards selected the one which gave them the least chance of success.<sup>11</sup>

As far as armament was concerned, Manila was reasonably well provided with means for defense, but the plan of anchoring the fleet under the guns of the city was rejected because it would provoke the Americans to bombard the city, and, as the precious Plaza and the property of the leading citizens must not be subjected to injury, it was decided to go to Cavite and anchor in the shallow Bay of Cañacao, where the ships could sink without much risk of drowning the sailors. "The refusal of the governor," says Admiral Chadwick,<sup>12</sup> "to allow the squadron to place itself in a situation where the guns of Manila could be used

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<sup>11</sup> "The Cavite fortifications, though weak, exercised the same attractive force on the Spanish squadron as did the obsolete works of Sedan on McMahon's Army in 1870." Wilson, *Downfall of Spain*, p. 131.

<sup>12</sup> Chadwick, *The Spanish-American War*, I, p. 169. See also Wilson, *The Downfall of Spain*, p. 132.

in its partial defense was fatal to any prospect of success. Not having left the Bay it was the one course left. Damage to Manila could not from a national point of view be commensurate with the loss of the Archipelago, and this latter was the real risk which the Governor insisted upon taking. He could not recognize that a great question was in his hands to decide as might be best for Spain and not Manila."

It is probable that the responsibility for this blunder rests with the governor-general instead of Admiral Montojo. Going to Cavite made destruction certain.

The batteries on the water-front at Manila were bluffed into practical silence by Dewey's threat to fire in their direction. Just what purpose these batteries were expected to serve if they were to remain quiet in order to prevent the enemy from firing at them, and incidentally, of course, into the city behind, it is difficult to understand. On that theory a few good old-fashioned quaker guns placed on the city walls would have served as well and been much cheaper than the powerful Krupps.

Having successfully passed Corregidor and its much-advertised mines, Dewey headed straight for Manila, which lay twenty-two miles due east across the great bay. The speed was so regulated as to arrive off the city at the break of day. By three o'clock the low-lying lights were visible. As day broke the fleet was three miles off the mouth of the Pasig River, directly in front of Fort Santiago and the city walls. What in the indistinct light had looked like ships of war proved to be peaceful merchantmen. But as the morning mist rose from the water the Spanish fleet became visible, with its back against the wall, nine miles south, under the guns of Cavite and Sangley Point. The shore batteries at Manila had already opened fire, but the *Olympia*, without pausing, turned to the right and, followed by the *Baltimore*, *Raleigh*, *Petrel*, *Concord* and *Boston*, in the order named, moved southward parallel with the shore toward Cavite. The Spanish land battery at Sangley Point began firing almost as soon as the *Olympia* turned, and their fleet soon joining in, a storm of metal lashed the water far in front of the approaching

American ships. When six miles away the *Olympia* fired one shot to test the range. When about three miles from her target she fired an eight-inch shell from one of her turret guns.

No attempt was made to count the Spanish ships or to identify individual vessels. Close comparison of forces was deemed unnecessary. From general information Dewey was satisfied that the six American cruisers could defeat all the ships Spain had in the Philippines, particularly as they had chosen to lie moored and motionless within easy range of open water deep enough for safe navigation.

When within two miles the *Olympia* turned and led a stately procession due west past the Spanish ships, while from every available gun a storm of projectiles rained upon the enemy. As the procession came off Sangley Point it was within easy range of the Spanish batteries, and the contest became one of marksmanship, with the natural advantages in favor of the shore batteries.

The Spaniards had seven ships in an irregular line, two of which were moored with springs on their cables. The others moved about aimlessly, often masking each other's fire, "occasionally dodging back to the shelter of the arsenal and more often making isolated and ineffectual rushes in advance, rushes which had no rational significance except as demonstrative of the point at hand. They were mere flourishes of desperation, inspired by defeat."

Their guns were handled vigorously, although unskilfully, but the aimless hurrying and scurrying about was in painful contrast with the orderly movements of the American ships as they steamed slowly around an ellipse, engaging with all their batteries.<sup>13</sup> Their marksmanship was not particularly good, but it was much superior to that of the Spaniards.<sup>14</sup>

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<sup>13</sup> There has been some uncertainty as to the movement of the American ships. See Chadwick, *The Spanish-American War*, I, p. 179, and the map in Dewey's *Autobiography*, p. 198.

<sup>14</sup> Mr. Roosevelt (*Autobiography*, p. 232) says, "Our navy had no idea how low our standard of marksmanship was. . . . Almost the only man in the navy who fully realized this was our naval attaché at Paris, Lieutenant Sims. . . . When I was President, . . . Sims was given the lead in re-

Montejo soon saw that his position was desperate. In a last effort to accomplish something he sent the *Cristina* out to grapple with the *Olympia*, but she was beaten down under the concentrated fire of the fleet and, turning, crawled like a wounded animal toward the shore, where she grounded.

Five times the American ships swung back and forth over the course. Although the battle had lasted for two hours, the Spanish fire seemed as active as in the beginning. It was apparent that the *Reina Cristina* and the *Castilla* had suffered seriously, but otherwise the visible results of the firing were disappointing.

About this time a disturbing report was brought to the American commodore that the ammunition was running low. A great deal of it had been wasted by reckless firing at long range, and the possibility of such a disaster was appalling. It was decided, much to the disgust of the seamen, who, according to the prediction of European experts, should have been deserting, to draw off and take account of stock. To conceal the real cause of the movement it was announced that the work was being suspended in order to allow all hands to enjoy a well-earned breakfast. "For God's sake, don't stop now. To hell with breakfast!" shouted a gunner who had a better instinct for what had been accomplished than even the commodore. In fact, the latter appears to have been decidedly uncomfortable—probably more so than at any moment since sailing from Mirs Bay. He did not then believe that the Spanish ships had been sufficiently injured to prevent them from renewing the battle. He had been distinctly disappointed by the result of the firing. The projectiles seemed to go too high or too low, as had those of the Spaniards. At that distance in a smooth sea there should have been a large percentage of hits, but apparently the Spanish ships had not been seriously injured. At least they were still firing as vigorously as ever.

It was known that the enemy had sufficient ammunition to continue the fight almost indefinitely. Dewey was more than

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organizing and introducing the new system; and to him more than to any other one man was due the astonishing progress made by our fleet in this respect, a progress which made the fleet, gun for gun, at least three times as effective, in point of fighting efficiency, in 1908 as it was in 1902."



seven thousand miles from home, and under the most favorable condition it would require a month to secure a new supply of ammunition. Without powder and shell the hunter might become the hunted.<sup>15</sup>

The American ships now gathered in irregular groups four miles or so north of Sangley Point. The Spaniards believed that they had been hauled off for repairs and reported to Madrid that they had sought refuge behind the neutral shipping. An irregular fire was kept up from the shore batteries, and occasionally a shell fell within a few hundred feet of the cruisers. But the novelty of being fired at had worn off, and the work of consultation and counting the shells continued, while the men enjoyed their historic breakfast and cheered one another to the echo. In the meantime the situation was clearing. The effect of the morning's work was becoming apparent. The Spanish line was melting away. The *Castilla* was in flames. The magazine of the *Reina Cristina* blew up. Only the *Don Juan de Ulloa* kept her ensign flying and maintained her station close to the Sangley Point battery. The smaller craft had taken refuge behind the arsenal.

About eleven o'clock, having ascertained that the reported shortage of ammunition was without foundation, the Americans renewed the battle. But there was very little fight left in the Spaniards. The batteries were soon silenced. By the middle of the afternoon the work was finished, and the squadron was at anchor off the City of Manila. The British consul came aboard the flagship and on behalf of the foreign residents requested that the city should not be bombarded. To this Dewey agreed, on condition that he be supplied with coal and granted the use of the cable to Hong Kong. These concessions were refused by the Spanish authorities, and the next day the cable was cut and the end taken aboard an American ship. The fortifications at Cavite and at the entrance of Manila Bay were now

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<sup>15</sup> J. L. Stickney, in *Harper's Magazine*, Feb., 1899; *New York Herald*, quoted by Chadwick, I, p. 181.

Dewey went into the battle with but 60 per cent. of a full supply of ammunition.

surrendered and were soon rendered incapable of doing further harm.<sup>16</sup>

The victory was complete. The Spanish fleet had been destroyed, while the American ships were but slightly damaged—indeed, scarcely more than scratched. Of the Spanish sailors, one hundred sixty-seven were killed and two hundred fourteen wounded. On the American ships there was not even a seriously wounded sailor to show for all the Spanish ammunition that had been wasted.

An English writer has called the battle a military execution, rather than a real contest, but, as Admiral Chadwick says,<sup>17</sup> this is misleading. The fact is that the American ships “were thoroughly vulnerable; the action was at short range; and had the scores in marksmanship been reversed the victory, despite their inferiority of force, would have been with the Spaniards. The gist of the matter is thus in that masterful quality in human affairs, racial temperament, and in the superior training of the American gunner. Coolness of action and its corollary, accuracy of aim, were the deciding factors.”

Certain it is that, as the English author admits, the work which lay in the admiral's hands to do was done thoroughly well.

Dewey was now in undisputed possession of the Bay of Manila. The instructions of the Navy Department to destroy the Spanish fleet had been obeyed. Spanish naval power in the Orient had been completely destroyed. The City of Manila lay helpless under the American guns. But the American commander had no troops with which to garrison a captured city. The insurgents had become extremely active on land, but could not be permitted

<sup>16</sup> For graphic and authoritative descriptions of the battle, see Admiral Dewey's *Autobiography*, Chap. 15, and Rear-Admiral Fisk's *War Times in Manila*. Neither side had any armored ships and both used brown powder. For the relative strength of the squadrons, see Dewey, *Autobiography*, p. 203, or Appendix A, p. 294; *Report Chief of Ordnance of the Navy*, 1898, pp. 1180-1183; *Cong. Rec.*, XXXV, pp. 5374-5375. In the prize money case of *Dewey vs. United States*, 178 U. S. 510, the court found that there were 2,973 men on board the Spanish and 1,836 on the American vessels. In determining the superiority of the Spanish force the land batteries, mines and torpedoes were excluded. See *Harper's Pictorial History of the War in the Philippines*, p. 29. *Senate Doc.*, 175, 57 Cong., Second Sess.

<sup>17</sup> Chadwick, *The Spanish-American War*, I, p. 207.

to enter the city. Reporting the situation to Washington, Dewey instituted an effective blockade and awaited further orders. The next move must be made in Washington.

The first news of the battle reached the United States by way of Madrid, and naturally it did not give the whole story. On the second day thereafter the American and English newspapers had secured fairly accurate information, and on May 3 the president telegraphed his congratulations. Dewey's report did not reach Washington until a week after the battle.<sup>18</sup> Soon thereafter he was raised to the rank of admiral.

It is evident that the authorities at Washington were a trifle confused by the suddenness and completeness of the victory.

Notwithstanding the statement of Secretary Alger<sup>19</sup> that it had, before May 1, been decided to send an army to the Philippines, it is reasonably certain that no serious plans for events beyond the battle had been formed. As said by Admiral Chadwick, "Perhaps none were more surprised to find a great Archipelago at their command than were the gentlemen composing the Administration at Washington. The idea of possession had probably but vaguely entered the minds of any one until it was known that a victorious American Squadron commanded so completely the situation."<sup>20</sup>

But the administration now acted with great promptness and energy. The question of sending troops to the islands was considered immediately upon the receipt of the public rumors of the

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<sup>18</sup> The cable company refused to forward messages sent through from Manila. There was some justification for this as the company held its concession from Spain on condition that it should not send any cablegrams forbidden by the government. A violation would result in the forfeiture of the franchise. The application of the company for permission to accept telegrams from both governments was declined. The British government declined to permit the United States to lay a cable from the Philippines to Hong Kong. On July 11, the Spanish government consented that the cable be neutralized, but it was not reopened until August 22.

<sup>19</sup> Alger, *The Spanish-American War*, I, p. 326.

<sup>20</sup> Chadwick, *The Spanish-American War*, I, p. 208. Probably, however, plans had been considered for securing and holding a coaling and naval station. See an article by A. Viallate, "*Les préliminaires de la guerre hispano-Américaine et l'annexion des Philippines par les Etats-Unis*," *Revue Historique*, LXXXII, p. 282.

victory. Four days before Dewey's despatch arrived General Miles wrote to the Secretary of War advising that Brigadier-General Thomas M. Anderson "be sent to occupy the Philippine Islands" in command of certain designated regiments. On May 4 President McKinley directed that, "The troops designated by General Miles, if approved by the Secretary of War, should be assembled at San Francisco, California, for such service as may be ordered hereafter."

Upon receiving Dewey's first despatch the Department notified him that the *Charleston* would sail at once with ammunition, and that another vessel would follow with troops "unless you telegraph otherwise. How many will you require?"

Five days after receiving this inquiry Dewey notified Washington that he could take Manila at any time, that he was maintaining a strict blockade, and that he believed that the rebels were hemming in Manila by land, although they were inactive and making no demonstrations. The possibilities of the future, other than the hostility of the natives, were now in his mind, as he advised the Department that in his judgment to retain possession and thus control the Philippine Islands would require a well-equipped force of five thousand men.

On May 29 Dewey was informed that no Spanish troops were on the way to Manila, and that the first expedition of United States troops had already sailed from San Francisco.

In the meantime, while Washington was devising a policy, events of importance were happening in Manila Bay. The moral effect of the naval victory had been very great. The confidence of Europe in the efficiency of the Spanish navy had been badly shaken, and the talk in the press about putting restraint upon the conduct of the United States came to a sudden end. Chadwick says: "The curiosity of naval commanders in the East was intense but natural. There was no question of the friendliness of those of Great Britain and Japan, with whom the American Admiral was on most cordial terms. But the attitude of the powers of Continental Europe was doubtful, and when the number of

German ships rose to five and their movements assumed an activity and character not consonant with friendliness the situation became serious.”<sup>21</sup>

The first German cruiser, the *Irene*, which arrived on May 6, ignored the blockade and, steaming by the *Olympia*, dropped anchor at a place of her own selection. The *Cormoran* arrived at three o'clock in the morning, and as she ignored the hail of a steam launch, the *Raleigh* fired a shot across her bows. The German captain, says Dewey,<sup>22</sup> “was surprised at our action, but our boarding officer explained the law and also the risk that a man-of-war was running into in coming into the harbor at night. We had no thought of being discourteous and no desire to arouse ill-feeling, and fully appreciated how our point of view had not occurred to the captain of the *Cormoran* when he ran straight in toward our squadron in the dark.”

On the same day a German transport brought fourteen hundred sailors to relieve the crews of the German squadron, but the men were kept on the ship. On May twelfth Vice-Admiral von Diedrich arrived with the *Kaiserin Augusta*.

From the first the relations between the American and German commanders were strained. When Dewey at their first meeting commented on the apparent disproportion between the naval force which had been assembled in Manila Bay and German commercial interests in the Philippines, the German admiral remarked stiffly, “I am here by order of the Kaiser, sir.” The Germans ignored the fact that Manila was blockaded. Their officers landed in Manila and affiliated with the Spaniards; the vice-admiral called officially on the Spanish captain-general, who returned the call at night; the *Irene* went to Subig Bay and interfered between the Spaniards and insurgents; German sailors were landed for drill at Marivales; German boats took soundings at the mouth of the Pasig River, and their sailors for a time occupied the lighthouse within the city of Manila. During this time Admiral Dewey was inferior in force to the Germans, but the

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<sup>21</sup> *The Spanish-American War*, II, p. 364.

<sup>22</sup> *Autobiography*, p. 255.

arrival of the *Monterey* restored the equilibrium and an issue was at once made. There had been formal correspondence between Dewey and Von Diedrich with reference to the rights of neutral warships in a blockaded harbor, in which the latter attempted to sustain the utterly untenable position that his ships were not subject to any regulation while in Manila Bay. Admiral Dewey disclaimed any intention of exercising a right of search, but claimed "the right to communicate with all vessels entering the port now blockaded with the forces at my command."<sup>23</sup> The German admiral agreed to submit the question to a conference of the senior officers of the men-of-war in the harbor, but only Captain Chichester, of the British cruiser, appeared, and he agreed with Dewey. Von Diedrich refused to acquiesce, and later, when the *Cormoran* in entering the bay ignored a signal to communicate, the *McCulloch* fired a shot across her bows. The next day, when the indignant German commander sent a staff officer to state his grievance, Admiral Dewey bluntly told him to inform his chief that persistence in the course which had been adopted would lead to a conflict. "I made the most of the occasion," says Dewey, "and by using him as a third person to state candidly and firmly my attitude in a verbal message, which he conveyed so successfully that Vice-Admiral von Diedrich was able to understand my point of view. There was no further interference with the blockade or breach of the etiquette which had been established by the common consent of the other foreign commanders."<sup>24</sup>

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<sup>23</sup> The right claimed by Admiral Dewey is recognized by all writers on international law.

<sup>24</sup> *Autobiography*, p. 266. The accuracy of Admiral Dewey's account is confirmed by Admiral Fiske (*With Dewey at Manila*, pp. 111-114). See also Chadwick, *The Spanish-American War*, II, p. 364; Wilson, *The Downfall of Spain*, p. 167.

After the publication in 1914 of Admiral Dewey's *Autobiography* Von Diedrich issued a statement in which he denied some of Dewey's statements and attempted to explain his actions at Manila. *New York Times*, Feb. 25 and 28, 1914. His story appeared in the German naval magazine, *Marine Rundschau*, for March, 1915. He claimed that the concentration of the German squadron was merely fortuitous and that the misunderstanding with the American admiral was due to the latter's misconstruction of the situation. While it appears from Admiral von Diedrich's statement that Dewey may have misconstrued some of the acts of the Germans, the substantial accuracy

It is difficult to understand the motives which actuated the Germans. Naval officers do not ordinarily ignore the established customs and courtesies of international intercourse. Admiral von Diedrich seemed to resent the presence of the Americans, and made no attempt to conceal that feeling of contempt for American military operations which then pervaded continental Europe. He was there "by order of the Kaiser, sir," and that simple fact to his mind determined all questions of right or wrong.

The first troops from the United States, under the command of Brigadier-General Thomas M. Anderson, U. S. A., arrived at Manila<sup>25</sup> on June 30, a second expedition<sup>26</sup> under Brigadier-Gen-

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of the latter's account of what occurred remains unshaken. Von Diedrich's absurd statement that Dewey never established a legal blockade throws a flood of light on the situation.

The author of *The Life and Letters of John Hay* (II, p. 280) repeats the story that the Germans sent their fleet to Manila at the suggestion of an American official at Berlin. I am informed by Dr. White, who was then the American ambassador, that there is no foundation for the story.

On May 18, 1898, six days after the arrival of Admiral von Diedrich in Manila Bay, Prince Bismarck, in a conversation with Mr. Wolf von Schearband, said:

"This whole war is indefensible on grounds of international equity. It is a war of pretext, undertaken against a waning power for the sole sake of spoils. The United States complained that Cuba, as a Spanish colony, was being maladministered. What of that? Colonies have often been mismanaged and I suppose the Americans, when they shall have colonies, will not be exempt. But that is no fair reason for dispossessing the owners. Other powers have never interfered in such cases before. The creoles and the West India half-breeds are difficult to manage and it would be impossible to satisfy them under any circumstances. The Americans will find them later on a hard nut to crack. Spoils, spoils, all else is pretense. That, too, has been your procedure in the Philippines. The Americans call this Europe of ours *effete*. Well, there must be some truth in it or else there would have been a united European front to oppose and hinder this unrighteous war. And the Monroe Doctrine? . . . That is a species of arrogance peculiarly American and inexcusable. . . . How will you enforce it? . . . With your pigmy navy?" *Germany, The Welding of a World Power*, by Wolf von Schearband, p. 352 (New York, 1902).

<sup>25</sup> This expedition consisting of the Second Oregon and the First California Volunteers, five companies of the 14th United States Infantry, and a detachment of the California Heavy Artillery, in all one hundred seventeen officers, and 2,386 men, sailed from San Francisco on May 25, 1898, on the chartered steamers *City of Peking*, *City of Sidney* and *Australa*. It brought four hundred tons of much-needed ammunition for the fleet. On the way out it took possession of the island of Guam.

<sup>26</sup> The second expedition was composed of the First Colorado and the Tenth Pennsylvania Volunteers, one Battalion 18th Infantry, one Battalion 23rd

eral F. V. Greene, U. S. V., on July 17, and a third under Brigadier-General Arthur MacArthur, U. S. V., with which came Major-General Wesley Merritt, U. S. A., the commander of the Department of the Pacific, on July 25. A camp was established on the beach south of Manila, near the present polo grounds. As the water was shallow and the position within easy range of the Spanish guns in Fort Antonio de Abad, it was necessary to land the troops from the transports by means of cascos and steam launches. The Spanish guns, overawed by the guns of the fleet, remained quiet as the American soldiers waded ashore and went into camp, preparatory to marching against the defenses.

The camp, which was large enough to care for about five thousand men, covered practically all the land in the vicinity that during the rainy season was above the level of the rice swamps. Here the troops remained for twenty-six wet and weary days while the chiefs were arranging the stage for the battle of Manila.

It was the rainy season, and nothing but the inherent good temper and patience of the intelligent American soldier made the life endurable. Granted the privilege of grumbling and explaining the shortcomings of those in authority to his comrades and the folks at home, he could manage to await the course of events. But he had traveled ten thousand miles for the purpose of fighting the Spaniards and could not quite see why there should now be so much delay. True, there were not more than four thousand troops in camp, and in front of them were thirteen thousand perfectly-armed and equipped Spanish troops, protected by ancient but massive fortifications of the Vauban type surrounded by almost impassable moats. There was also a line

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Infantry, two Batteries Utah Light Artillery, and twenty-eight men from the Regular Engineers, in all three thousand five hundred men. Of these the *China* carried thirteen hundred, the *Senate* about nine hundred, and the *Zealand* and *Colon* about seven hundred each.

The third expedition, under the command of Brig. Gen. Arthur MacArthur consisted of one hundred ninety-seven officers and four thousand six hundred fifty men.



of Spanish blockhouses and trenches on a semicircle which enclosed the various villages which clustered about the city.

Just outside of the Spanish lines the insurgents had taken possession of all the roads and connected them by small trenches, in which they had a fluctuating force of about ten thousand men.

Between the American camp and the city of Manila, about three miles away, lay the villages of Malate and Ermita, each with its plaza and huge stone church. Malate was nearest the American camp, and at its southern limit, at the water's edge on the point of a peninsula formed by a small stream that flowed diagonally southward through the city, was a strong stone fort known as San Antonio de Abad, which mounted good modern artillery. Opposite this fort the stream was spanned by a bridge with stone parapets backed by sand-bags. Starting at this bridge, which was but a few feet from the fort, and extending about one thousand yards inland to a blockhouse, was a strong line of trenches about five feet high and eight feet thick, with heavy traverses at intervals of a few yards. From this blockhouse, which commanded one of the roads, the line of defense turned to the north and, as it appeared to the Americans, "disappeared in the bamboo thickets."

General Anderson had brought instructions from Major-General Merritt, who had been assigned to the command of the Eighth Army Corps, not to attack Manila before he arrived unless he was certain of success. Admiral Dewey did not wish to risk his ships until the monitors *Monterey* and *Monadnock* arrived and with their heavy guns silenced the shore batteries. Under the circumstances it was thought best to await the arrival of General Merritt. In the meantime General Anderson and General Greene carefully studied the ground and prepared plans for an attack. The former favored moving to the right across the lowlands to the high ground back of the city, near the village of San Pedro Macati, on the Pasig River, while Greene was in favor of advancing along the shore of the bay and driving the Spaniards out of the fort and trenches.

When General Merritt arrived, on July 25, he approved Gen-

eral Greene's plan, but manifested a disappointing lack of enthusiasm for an immediate advance on either line. Admiral Dewey had for some time been carrying on negotiations with the Spaniards through the Belgian Consul<sup>27</sup> André, and had become convinced that the city could be induced to surrender without loss if a plan could be devised whereby the Spaniards could be given an opportunity to protect their "military honor," which, in the language of the Orient, means, "saving face."

Admiral Dewey gives a carefully guarded account of the arrangements.<sup>28</sup>

"When the negotiations with the Captain-General tending to a surrender were again broached it was M. André who acted as intermediary, transmitting all messages (always verbal ones) from the Captain-General to me and from me to the Captain-General. I was almost alone in believing in the sincerity of these negotiations. General Merritt was skeptical, but ready to defer to my judgment, and so were my Chief of Staff and my flag lieutenant. Nevertheless I felt confident of the outcome, in which I considered I was fully justified by later events. . . . André continued with General Jaudenes the negotiations begun with Don Basilio. These progressed with varying success and numerous side issues, but always with the stipulation on the part of the Spaniards that if they surrendered the insurgents should be kept out of the city. Finally, without making any definite promise, General Jaudenes agreed that, although he would not surrender except in consequence of an attack upon the city, yet, unless the city was bombarded, the Manila batteries would not

<sup>27</sup> "The negotiations by which it was attempted to secure a surrender without resistance was carried on through Mr. André, the Belgian consul. His method was to go to the governor-general and get a statement, which he wrote down in a memorandum book. Then he would go to General Merritt and Admiral Dewey and get a statement from them, which he would carry back to the governor-general. This was apart from some formal correspondence. After the surrender André translated to me the notes in his memorandum book, for they were written in Spanish. The substance of the agreement seemed to be that if the fleet did not throw shells into the walled city on the Spanish part of Manila, the Spanish artillery would not open on the fleet. There was no agreement, as the agreement was read to me, that our land forces would not be fired on. On the contrary there was a statement that the honor of Spain required that there should be resistance, or that under the Spanish Army Code their officers surrendering without resistance or giving a parole would subject themselves to court-martial. Accordingly we were fired on from the trenches and back through the streets of the city." Anderson, in *North Am. Rev.*, CLXX, p. 213.

<sup>28</sup> *Autobiography*, pp. 273, 274.

open on our ships. Moreover once the attack was begun he would if willing to surrender, hoist a white flag over a certain point in the walled city from which it could be seen both from Malate and from the bay."<sup>29</sup>

General Merritt on his arrival was convinced by Admiral Dewey that the plan was practicable. The motives which prompted the adoption of this plan of procedure were beyond praise, but as events unfolded it seems that a number of American soldiers lost their lives unnecessarily. It might have been better to have allowed the Spanish officers to stand trial according to the barbarous military code under which they were serving.<sup>30</sup> A few shells sent into the city would have forced a prompt surrender without the loss of a single American soldier. Instead of adopting this course the rank and file of the army were left to believe that they were to engage in a serious struggle against a superior force strongly entrenched. They believed that they were risking death in their country's service, when the fact was that they were about to engage in a sham battle with ball-cartridges.

The brigade commanders were not informed of what was being arranged and proceeded with the work of preparation. The insurgents were between the American camp and the Spanish lines, and before an advance could be made it was necessary that they be removed. The task under the circumstances was difficult. General Merritt had given imperative orders that there must be no rupture with the natives and that only pacific and diplomatic means must be used.<sup>31</sup> Nevertheless, he directed General Greene that he must get the Filipinos out of the way.

<sup>29</sup> Soon after the naval battle of May 1, Governor-General Don Basilio Augustin intimated through the British consul that he was willing to surrender the city. A request to Madrid for authority to make the surrender resulted in Augustin's being directed to turn over his office to General Firmin Jaudenes. Don Basilio was then permitted by Admiral Dewey and General Merritt to sail from Hong Kong on a German vessel.

<sup>30</sup> There was reason for the solicitude of the Spanish officers. After their return to Spain Admiral Montojo and General Jaudenes were confined under the most humiliating conditions in cells in the prison of San Francisco, Madrid. A military tribunal convicted and sentenced them to forced retirement and inability in the future to discharge any public duties. Their offense was inability to accomplish the impossible.

<sup>31</sup> Merritt's orders were: "No rupture with insurgents; this is imperative;

A polite request to vacate and permit the Americans to man the trenches and install better artillery was referred to Aguinaldo, who expressed a desire to have the request in writing. This suggestion was brushed aside with the statement that such formal matters could be arranged later. In the meantime General Greene needed the trenches, and soon got them.<sup>32</sup>

New and more substantial trenches were now constructed much nearer the enemy's lines. The Spaniards did not observe or

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can ask insurgents' generals for permission to occupy their trenches, but if refused not to use force." *War Dept. Rept.*, 1898, I, Part 2, p. 73.

<sup>32</sup> A great deal has been made of this incident. General Greene gives the following account:

"General Merritt arrived on . . . July 25, and after examining the ground the following day promptly decided two points: First, that the attack would be made along the shore, and second, that it was necessary to get the insurgents off to one side so as to give us the right of way. He was very anxious to avoid any entangling alliances with Aguinaldo, with whom he had no direct communication. He therefore sent his chief of staff on the afternoon of July 28 with a verbal message directing me to persuade the insurgents, if possible, to evacuate a portion of their trenches, but I was to do this on my own responsibility and without intimating that I had instructions to this effect from him. I had previously met General Noriel, who commanded the brigade of insurgents nearest the beach, and on receiving General Merritt's message, I sent my orderly, who spoke Spanish fluently, to find this general and give him a most polite message that I desired to see him on matters of common interest. At the same time the orderly was instructed not to come back without him. He returned in about an hour with General Noriel and his young Adjutant-General Arevolas, both wearing handsome uniforms and equipment. I explained to him that the antique six-inch columbiads which he had in his trenches were of an obsolete pattern and very ineffective against the Spanish artillery, and that if he would give up the trenches for about four hundred yards from the beach I would place in them the fine modern pieces of field artillery which we had brought and which would be much more effective against the Spaniards. He received the idea favorably, but said he could do nothing without consulting Aguinaldo, and I requested him to do this by telegraph (Aguinaldo's headquarters being about eleven miles in the rear) and give me an answer during the night. He promised to do so. About half-past two in the morning his adjutant-general arrived, having been obliged to ride back through the rain and mud to Bacour to see Aguinaldo, as the answer by telegraph was not satisfactory. He said Aguinaldo had given his consent provided I would make the request in writing. I told him that I had no objection to this, but in order to save time I would post troops in the trenches early in the morning and send the written request as soon thereafter as possible. This arrangement was carried out." *Century Magazine*, XXXV, p. 916.

Millet (*The Expedition to the Philippines*, p. 83) says: "On the afternoon of the 28th, General Greene received a verbal message from General Merritt suggesting that he juggle the insurgents out of part of their lines, always on his own responsibility, and without committing in any way the Commanding General to any recognition of the native leaders on opening up the prospect of an alliance. This General Greene accomplished very cleverly, dealing with the natives exactly in accordance with their own methods."

chose to ignore what was going on until the night of July 31, when they opened on the Americans with artillery and infantry fire. Notwithstanding orders to the contrary, the fire was returned and some casualties resulted. This was repeated on succeeding nights. General Greene was anxious to advance, but General Merritt's orders were to hold the trenches and avoid bringing on an engagement. Owing to the bad weather, it had not yet been possible to disembark all of General MacArthur's brigade, which had arrived on July 25, and Admiral Dewey still advised delay.

The *Monterey* arrived on August 4. By this time the Americans, while on the defensive in the trenches, had suffered a loss of twelve killed and twenty-two wounded. On the following day Greene held a conference with Merritt and Dewey and urged an immediate advance. Dewey advised waiting until the *Monterey* could be overhauled and the *Monadnock* had arrived, but finally said:<sup>83</sup> "The decision rests with you. If you burn the blue light on the beach the *Raleigh* will immediately open fire, the *Charleston* will go to her assistance, and the *Boston* and *Monterey* will follow if the engagement continues. All three ships have steam up every night and these orders have been given to their captains, but I hope you will not burn the light unless you are on the point of being driven out."

Merritt agreed with Dewey, and Greene returned with orders to do no more than hold the trenches. That night three more men were killed and seven wounded, and it was decided to hasten the action of the Spanish commander. Dewey and Merritt sent a joint letter to the governor-general stating that, "If the night attacks continue, at the end of forty-eight hours an attack of the land and naval forces would take place, and that the notice was given in order to enable the noncombatants to be removed to a safe place." The governor-general replied that he was surrounded by insurgents and had no place to send his people. But so potent was the fear of the naval guns that not another shot

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<sup>83</sup> Dewey, *Autobiography*, p. 272.

was fired on the trenches during the six days which followed before the surrender of the city.

The shipping people and the residents of Manila took the forty-eight hours' notice seriously, and on the morning of the ninth all the foreign ships left their anchorage and steamed out into the bay. Foreigners moved their persons and as much of their property as was possible aboard their national warships. Red Cross flags blossomed out at unexpected places. But the fateful hour of noon passed and nothing happened. The stage was not yet arranged and additional arguments instead of shells were sent into the city.

The attention of the authorities was called again to the helplessness of the city and a peremptory demand for surrender was made. The governor-general declined to surrender and asked permission to communicate with his government in Madrid. This, of course, was refused, and the next two days were devoted to the serious work of preparation for the assault, which was to be made on the morning of August 13.

The plan of battle contemplated that at 10:10 A. M. the cruisers should take their positions and open fire on Fort San Antonio de Abad, which was well south of the city. Immediately thereafter the field artillery in front of the Spanish trenches would join. After the firing had continued for a reasonable time the *Olympia* would move up in front of the city and display the international signal, which means, "surrender." If this was answered according to program by the display of a white flag the troops would then move forward and take possession. It was not contemplated that the troops should bring on an actual battle.

The Memorandum for General Officers, issued on the twelfth regarding "the possible action on August 13," specified definitely that this white flag might be expected to appear "on the angle of the walled city," and concluded with the statement that, "It is intended that these results shall be accomplished without loss of life." If for any reason the white flag failed to appear, *the troops were to await further orders from General Merritt*. No one but the commanding general and admiral knew whether

there was to be an assault. These careful plans may have been humanitarian and designed to save life, but the general innocuousness of the whole proceedings suggests the order given by the Spanish Ministry to Admiral Camera, who was directed to return to Spain and "when the torpedo boat destroyers have rejoined your squadron, start for Cadiz with the *Pelayo*, etc., keeping close to the shore, so as to be seen from Spanish cities, exhibiting when near them the national flag illuminated by search-lights, which are also to be thrown upon the cities."

Long before the navy opened fire on the morning of the thirteenth, the troops were in position and eager to advance. The artillery fire brought no response. The guns on the Luneta sulked, and Antonio de Abad was as silent as a tomb. After the fire had continued for some time, General Greene, who had received orders changing those of the previous day, sent one regiment forward along the water-front and took possession of the deserted fort and trenches. The Spaniards retired to their second line of trenches without offering any substantial resistance, and Greene's brigade pushed forward along the shore and through Malate to the open space in front of the walled city known as the Luneta.

On the right of the line MacArthur's men advanced along the Pasay road, and after capturing the first blockhouse, all but a battalion of the Minnesota regiment (which reached the Luneta) moved through Singalong into the Paco district. Severe fighting occurred in Singalong, and there were heavy losses. The white flag, which had now been raised, was not visible to the men who were entangled in the bamboo thickets and flower gardens, and the firing continued for some time. The Spanish soldiers did not seem to have been notified of the surrender.<sup>34</sup>

All of the city outside of the walls was soon in the hands of the Americans and Filipinos, and the white flag was flying from the walls. Staff officers were sent in to communicate with the Spanish authorities. General Merritt and General Jaudenes

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<sup>34</sup> For a good description, see Millet, *The Expedition to the Philippines*, p. 153, *et seq.*

agreed on preliminary terms of capitulation, and the city was delivered into the care of the American troops. On the following day formal articles of capitulation were prepared and duly signed.

A capitulation is a surrender upon conditions, a bargain in the common interest of the contracting parties by which one avoids the certain loss involved in the continuance of a hopeless struggle and the forces of the other are released for service elsewhere. After a place has been taken by assault it is too late to ask for conditions; the surrender must then be unconditional. Capitulations are purely military conventions. The commanding officer may include therein stipulations and conditions of a political nature, but they are not effective until approved by the political authorities. Subject to this limitation, any terms may be granted which the importance of the place and the forces surrendered and the bravery of the defendants seem to require.

During the Franco-German War of 1870 the Germans permitted the French who had surrendered (Belfort) to march out unmolested through the German lines, carrying their arms and baggage, and join the main body of their army some distance away. The capitulation of Manila more nearly resembles that of Belfort than that of Sedan, which is a fair type of the ordinary form.

The conditions granted to the Spaniards were unusually favorable. It was provided that the troops, Spanish and native, capitulated with all the honors of war; that the officers should retain their side arms, horses and private property, including money, but that all public property, including money, should be delivered to the representatives of the United States. Spanish families might leave the city at any time, but all questions relating to the repatriation of officers and men of the Spanish forces and their families, and the expenses connected therewith, were to be referred to Washington.

As a special concession to Spanish susceptibility, it was provided that all persons included in the capitulation should "remain at liberty, the officers remaining in their respective homes," but,



nevertheless, all should be supplied by the United States, according to their rank, with rations and necessary aid *as though they were prisoners of war* until the conclusion of the treaty of peace between the United States and Spain.

A more unusual concession, however, was that by which the Spaniards, upon the evacuation of the city, by either the Spanish or the Americans, were to receive back all their arms. The instrument closed with the solemn words:

"This city, its inhabitants, its churches and religious worship, its educational establishments and its private property of all description are placed under the special safeguard of the faith and honor of the American army."

The capitulation of Manila was inconsistent with the theory that the city had been carried by assault, as claimed by the army.

"So far as the land forces were concerned," says General Anderson, "they took the place by storm, and it has never been made apparent why the Spaniards were allowed the honors of war and why the return of all captured property upon the signing of the treaty of peace was assured to them. The Filipinos assumed that it was because we intended to turn the Spaniards loose on them as soon as we had made satisfactory terms with the Spanish government."<sup>35</sup>

The terms granted the Spaniards and the fact that the surrender was under the form of a capitulation, although the city outside the walls was already in the hands of the American troops,<sup>36</sup> was due to the fact that the surrender was all carefully

<sup>35</sup> Anderson, "Our Rule in the Philippines," *North Am. Rev.*, CLXX, p. 213.

<sup>36</sup> The southern limits of the city of Manila are now near the point where the Spanish line of trenches came down to the old fort. At the time of the battle "Manila" meant the part enclosed within the walls, *intramuros*, about a mile square. In popular language, Manila to-day means that part within the old walls, and it is common to hear a cab driver directed to go to Manila when he is already in the very center of the business part of modern Manila. Binondo, Paco, Malate, Singalong, Ermita, etc., now sections or wards of Manila, were, while technically a part of the city, in fact, at the time of the battle separate villages or barrios. The American troops never entered the walled city, to which the Spaniards retired, until after the capitulation.

prearranged. But the army resented the suggestion that the battle was not real, and it certainly was real to all below the rank of commanding general.<sup>37</sup>

The Filipino troops had done some good fighting against the demoralized Spaniards, but they had no part in the final operations which resulted in the surrender of Manila. During the long weeks while Admiral Dewey was waiting for the arrival of the army they had succeeded in driving the Spaniards out of the country between Cavite and the suburbs of Manila and within the outer lines of the city, but there is no justification for the assumption that this work would have had to be done by the Americans in the way in which it was done by the Filipinos. They had, however, succeeded in putting Manila in a state of siege, although its effectiveness has been exaggerated. "The insurgents," says General Greene, "had furnished a force which, unorganized and poorly equipped as it was, nevertheless was suf-

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At the time of the surrender the American troops had merely driven the Spaniards within the walls, where their main defense would have been made.

<sup>37</sup> General Anderson, who was second in command, wrote: "I do not know that I can give the absolute gospel truth as to the so-called capitulation agreement, but I can say that if there was an agreement that Manila was to be surrendered with only a semblance of a fight, it was not communicated to the army. I was directed to draw up and submit what is known as the technical plan of attack. I drew it up on the theory that there was to be a *bona fide* resistance, and it was adopted by the commanding general. I was directed not to press the land attack until it was seen whether the Spaniards raised the white flag after the navy opened fire. I had twelve field pieces of artillery bearing on the Spanish lines and four in reserve. I waited twenty minutes after the naval guns began firing and then directed the land batteries to open. As the white flag was not then raised the infantry advanced, carried the Spanish works and entered the city and then, and not before, the white flag was raised." *No. Am. Rev.*, CLXX, p. 213.

In an article published in the *Century Magazine*, XXXV, p. 942, Mr. John T. McCutcheon, who was on board the *Olympia*, says that after the firing had continued for some time, "Captain Lamberton turned his glasses on the walled city and said, reflectively: 'They were to raise a white flag on the southeast corner, but I do not see it yet.' The Admiral said that it had been there for some time and that by close observation it was discovered at the appointed place and had evidently been raised according to program and at the proper moment. This was part of the agreement. The Spaniards would not give up the city without a theatrical show of resistance which could be reported to Madrid, but they had arranged to raise a white flag when the Malate fort was taken. In the meantime it was tacitly understood that the guns of the fleet should not be turned on the city and that the guns of Manila should not be turned on the Americans."

Admiral Dewey has cleared up whatever doubt there may have been. *Autobiography*, p. 273.

ficient to capture the waterworks and to prevent any food entering the city, thus leaving the population dependent on rain-water and on the food supply that happened to be in the city." Although badly organized and disciplined, they fought well, and generally with success. It must be remembered, however, that the Spaniards were at that time intimidated by the presence of the American fleet in front of the city.<sup>38</sup>

There were various reasons, some political and others humanitarian, why the insurgents should not enter the city. To have permitted them to join in the attack would have given them at least a moral right to be heard as to the terms of surrender and the future control and government of the city. The subsequent demand by Aguinaldo that the governor-general's palace should be delivered to him for his use as an official residence suggests the nature of the demands which would have been made had he been allowed to enter the city as one of the captors. It was also feared that the leaders of the undisciplined Filipinos would not be able to control them and that summary vengeance would be taken on their ancient enemies.

As some of the insurgents might, notwithstanding the order, succeed in getting into Manila, General Merritt on the evening before the attack sent Aguinaldo a copy of the proclamation which he intended to issue after the capture, in which the maximum penalty known to military law was announced as the punishment which would be imposed on all who were guilty of violence or pillage.

About the same time General Anderson was ordered to notify

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<sup>38</sup> General Greene, who saw much of the native troops, gives a very good picture of their methods of fighting. "They had," he says, "but little organization and were young men and boys of slight stature weighing from 100 to 120 pounds each, dressed in a uniform of striped blue cloth and a straw hat, without shoes. They were armed indiscriminately with Mausers and Remingtons and took turns in serving in the trenches for a few days and then returning to their homes in the vicinity for a week of rest, their posts and arms being taken by others. They occupied the houses in the numerous villages in the rear of their barricades and trenches, and here their food, which consisted principally of rice, occasionally with a little meat, was cooked and then carried to the trenches. . . . They were constantly engaged in desultory fighting with the Spaniards, and when their ammunition was exhausted they would abandon a barricade in a body and go off to get more." *Century Magazine*, XXXV, p. 790.

Aguinaldo to forbid his troops to enter the city. This unpleasant information reached the insurgent leader late on the evening of August 12, after he had made all his preparations to attack the Spanish lines on the following morning. It was received with anger and indignation. Fearing that the order would not be obeyed, General Anderson sent troops to hold the bridge which the insurgents must cross if they followed the Americans when they advanced.

However, during the battle they broke through by way of Santa Anna, and by the time the white flag was raised fully four thousand of the Filipinos were in possession of Paco, close to the walls of the old city.

General Greene tells an interesting story of the summary manner in which he disposed temporarily of a considerable force which he found close at hand waiting for the gates to be opened, by simply crowding them to one side.<sup>39</sup> But they could not be thus shouldered out of the suburbs.

General Anderson drew a cordon of troops around the insurgents to prevent them from looting or spreading. "The situation," says he, "was very critical. Our soldiers believed that the Filipinos had fired on them and the Filipinos were almost beside themselves with rage and disappointment. The friendly relations we had with Generals Recarti and Noriel alone prevented a conflict with them then and there."

Early in the evening orders came from the commanding general to remove the insurgents from the city. The use of force meant a conflict between ten thousand Americans and fourteen thousand Filipinos, in which thirteen thousand Spaniards who were looking on from the comparatively safe vantage ground of the interior of the walled city would probably join. General Anderson, with good judgment, took the responsibility of sending a message to Aguinaldo, who was at Bacour, ten miles away, requesting him to withdraw his troops. In reply there came a commission consisting of Señors Buencamino, Legarde, Araneta and Sandico with a proposition that the insurgent troops would

<sup>39</sup> *Century Magazine*, XXXV, p. 790.

be withdrawn if the Americans would agree to reinstate them in the same positions when peace was made between Spain and the United States.

This proposal seems to have impressed General Anderson as reasonable, but General Merritt, to whom it was referred, informed the commissioners that he could not give such a promise and that they must rely on the good-will and sense of justice of the American people. The commissioners then returned to Aguinaldo for further instructions, but one of the members left with General Anderson a letter in which Aguinaldo claimed that he had been treated harshly and that he had given up the trenches before Camp Dewey on a promise that there should be cooperation in future military movements. It is certain that no such promise was made by General Greene.

General Merritt directed that Aguinaldo should be informed that if he had been treated with apparent harshness it was from military necessity and that, while we might recognize the justice of their insurrection, it was thought judicious to have but one army in Manila at a time. Aguinaldo, in reply, agreed to the latter proposition but evidently felt that the army should be composed of Filipino instead of American troops.

During the operations which resulted in the capitulation of Manila, the American army had nineteen men killed and one hundred and three wounded. At this cost approximately ten thousand American soldiers, with the assistance of the navy, captured a city of more than two hundred and fifty thousand inhabitants, thirteen thousand Spanish prisoners, twenty-two thousand small arms, ten million rounds of ammunition, seventy-five modern guns, several hundred ancient bronze cannon well adapted for decorating parks and plazas, and nine hundred thousand dollars of public money.

## CHAPTER XIII

### The Peace Protocol and the Treaty of Paris

Spain Sues for Peace—Negotiations Through French Ambassador—The Protocol—Status of Spain in Philippines—Effect of the Capitulation—The Peace Commissioners—Opening of the Conference—Uneasiness about Philippines—Spanish Preliminary Demands—Proposals for Treaty—Assumption of Sovereignty over Cuba—The Colonial Debts—Refusal of the United States to Assume Debts—Original Instructions as to Philippines—Growth of Sentiment in United States—Investigations by Commission—Conflicting Opinions—Final Instructions—Claim of Conquest—The Philippine Public Debt—Continental Sentiment Favors Spain—British Attitude—Offer of \$20,000,000—Spain Accepts America's Terms—Certain Minor Issues—The Treaty—Purchase of Additional Islands—The End of a Colonial Empire.

By the middle of July, 1898, it had become apparent to the Spanish government that the prolongation of the war could only add to its already heavy accumulation of disasters. Spain had entered upon the war with the confident expectation that she would be able at least to inflict sufficient injury upon the United States to enable her to secure creditable terms of peace. But the accomplishments of her army and navy had been so slight that the proud old monarchy was left in a position perilously near the ridiculous. Judged by the results, neither army nor navy had been able to make even a reasonable showing, and Spain's prestige as a military power had vanished. Further delay might mean the loss of everything and even the humiliation of having the Peninsular coasts visited by an American fleet.

Having come to a realizing sense of the actual conditions, Spain lost no time in opening negotiations for peace. The Duke of Almodovar, Minister of Foreign Affairs, directed the Spanish ambassador at Paris to ask for the good offices of the French government in conveying to the United States the desire of Spain

for an immediate suspension of hostilities preliminary to negotiations for a treaty of peace.

There was some delay in Paris, occasioned by the absence of the president of the Republic and the unwillingness of the minister of foreign affairs to assume the responsibility of instructing M. Cambon, the French ambassador at Washington, to act on behalf of Spain. This lack of enthusiasm on the part of the French minister irritated Almodovar, who fully appreciated the value of time, and the ambassador at Paris was instructed to say that the request did not admit of delay. In fact, extreme haste was necessary, as the loss of even a few hours might be of the gravest consequence to Spain. The capitulation of Manila might occur at any time, and additional victories would probably result in greater claims being advanced by the United States.<sup>1</sup>

Without further delay M. Cambon was directed to represent the interests of Spain, and on July 26 he presented a communication which expressed a desire to learn from the president upon what basis the political status of Cuba could be established and the war thus brought to an end. The request was so worded as to imply that the future of Cuba was the only question at issue between Spain and the United States. During the conversation which followed Secretary Day, in the presence of President McKinley, stated that he understood that Spain desired to know also upon what conditions it would be possible to terminate hostilities at all points where they then existed, and M.

<sup>1</sup> Duke of Almodovar to Señor Leon y Castillo, *Sp. Dip. Corr. and Docs.* (1896-1900), p. 200.

The documents and correspondence relating to the war and the treaty of peace will be found in *Foreign Relations*, 1898; Spanish Red Book, *Negociaciones diplomaticas desde el principio de la guerra con los Estados Unidos hasta la firma del protocolo de Washington* (1898); *Conferencia de Paris y tratado de paz de 10 de diciembre de 1898* (1899), and the volume published by the French Ministry of Foreign Affairs, *Negociations pour la paix entre l'Espagne et les Etats-Unis* (1898). The formal record of the Conference is in *Senate Doc. No. 62, 55 Cong. 3rd Sess.*, Part I. The instructions of the president and the cable correspondence were printed as *Sen. Doc. No. 148, 56 Cong. 2nd Sess.* The matter is the same as *For. Rel.* 1898. See an article entitled "Revelations of a Senate Document" in the *North Am. Rev.* for June, 1901. For the question of the debts, see *Magoon's Repts.* (1902), pp. 180-183. For Mr. Reid's private letters to the president, see *Olcott's Life of McKinley*, II, Chap. XXVIII.

Cambon replied that such seemed to be the effect of the Spanish communication.

Before a formal reply could be made M. Cambon received a despatch from the Duke of Almodovar stating that Spain would accept any conditions which would result in the pacification of Cuba, whether they involved absolute independence, independence under a protectorate or annexation to the United States. The latter was preferred, as it would guarantee security for the lives and property of Spaniards who were established in Cuba.<sup>2</sup>

It was assumed that the United States would demand something by way of indemnity, but on that subject M. Cambon was instructed to "maintain reserve." Spain did not want to be held responsible for the expenses of military expeditions undertaken against territory remote from Cuba, as, according to Almodovar's theory, the war should have been localized. What he feared was that the United States might hold the islands she had captured on what may be called collateral expeditions as indemnity for the expenses of their capture. M. Cambon was directed particularly to ascertain the disposition of the president toward Porto Rico and the Philippines, and if he was found reasonable from the Spanish point of view, to press for the immediate suspension of hostilities.

Spain thus opened the negotiations for peace with a proposal to abandon Cuba, with the expectation—not expressed, however—that something would have to be done toward indemnifying the United States for the expenses of the war, but hoping to save Porto Rico. It is hardly probable that she then seriously feared that she would lose all of the Philippine Islands, as the Americans at that time had done nothing in that part of the world except destroy the Spanish fleet.

On July 30 Almodovar was informed that the United States, as a condition of the suspension of hostilities, would require:

"First. The relinquishment by Spain of all claim of sovereignty over or title to Cuba, and her immediate evacuation of the island.

<sup>2</sup> *For. Rel.*, 1898, p. 819.



"Second. The president, desirous of exhibiting signal generosity, would not at that time make any demand for pecuniary indemnity. Nevertheless, he could not be insensible to the losses and expenses of the United States incident to the war or to the claims of American citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States of the islands of Porto Rico and the other islands then under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrões to be selected by the United States.

"Third. On similar grounds the United States was entitled to occupy and would hold the city, bay and harbor of Manila pending the conclusion of a treaty of peace which should determine the control, disposition and government of the Philippines."<sup>3</sup>

From these terms there was never thereafter any material departure. The word *possession* originally used in the paragraph relating to the Philippines was changed to *disposition*, on the earnest representation of M. Cambon that it would when translated into Spanish carry a meaning which would make it impossible for the negotiations to proceed.

M. Cambon struggled desperately to secure some material modification of these terms, particularly as regards the demand for Porto Rico, which he characterized as evincing a spirit of conquest inconsistent with the declaration of disinterestedness with which the United States had commenced the war. The temper manifested is illustrated by his statement that in making this claim for the cession of Porto Rico and one of the Ladrões, the United States evidently considered as a definite conquest all territory "upon which the fortune of arms has permitted an American soldier to set his foot," thus ignoring the fact that the islands had been demanded, not on the theory of conquest, but in lieu of a money indemnity. The provision relating to the Philippines he charged must have been inserted for the purpose of putting an end to the present negotiations, as Madrid would certainly construe it as casting doubt upon her present and future sovereignty in the Archipelago. Such charges of bad faith and insincerity were not well calculated to secure modifications

<sup>3</sup> *For. Rel.*, 1898, p. 820. These terms were drafted by the president personally, *Olcott's Life of McKinley*, II, p. 67.

of the well-considered terms which the president had offered to Spain.

"You will observe," replied the president, "that my demands set forth in the first two articles do not admit of any discussion. I leave to negotiations the task of resolving the question of the Philippines. If the American forces have remained until now in their positions, it is in obedience to a duty with respect to residents and strangers and the progress of affairs imposed on me."

M. Cambon had another interview with the president and secretary of state on August 3, when he pressed for an expression of intention as regards the Philippines. What then occurred is important, as the Spanish commissioners, during the negotiations at Paris, asserted that the United States had never until then expressed in concrete form the idea understood to be conveyed by the phrase, "*control, disposition and government of the Philippines.*" They claimed that the demand for the cession of the entire Archipelago was a surprise. It is evident from what we now know that the surprise was purely technical.

During the interview on August 3 M. Cambon stated to the president that the provision was so drawn as to imply no restrictions upon the demands which the United States might make, and thus created grave apprehensions on the part of Spain as to the fate of her future sovereignty. The reports of this conference made by Cambon and Secretary Day differ in some respects,<sup>4</sup> but both make it clear that the president declared his purpose to leave to the negotiators of the treaty the most ample freedom with reference to the Philippines.<sup>5</sup>

According to M. Cambon's report the president said that he did not want any misunderstanding on this subject and that the "negotiators of the two countries must be the ones to decide what should be the permanent advantages that we shall demand

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<sup>4</sup> See despatch from the American commissioners from Paris, dated November 19, 1898.

<sup>5</sup> *For. Rel.*, 1898, p. 955. See also *Sen. Doc. 62, 55 Cong., 3d Sess., Part I*, p. 132. This document will be hereafter cited as *Sen. Doc. 62*.

in the Archipelago, and finally the control, disposition and government of the Philippines."

Secretary Day, in his memorandum of the conversation, says that the ambassador called attention to the statement in the note of July 30, that the possession of the city, bay and harbor of Manila should be retained during the pendency of the treaty, and asked what was to be done with them afterward. "That," said the president, "must depend upon the terms of the treaty." The ambassador then inquired whether the United States had prejudged the matter of the Philippines and the rights to be acquired therein by the United States. The president replied that the case had not been prejudged; that the whole matter would be left to the commissioners for negotiation to be settled by the treaty of peace.

M. Cambon persisted, and presented a communication<sup>6</sup> from the Spanish minister of foreign affairs, dated August 7, which came near bringing the negotiations to an abrupt close. The conditions contained in the first and second paragraphs of the proposal were accepted *subject to the approval of the Cortes*; the third paragraph was described as quite indefinite, but nevertheless was accepted with an accompanying interpretation and reservation. The positions taken in this note were maintained by the Spaniards to the end of the chapter.

"On one hand," wrote the duke, "the ground on which the United States believe themselves entitled to occupy the bay, the harbor and the City of Manila, pending the conclusion of a treaty of peace, can not be that of conquest, since in spite of the blockade maintained on sea by the American fleet, in spite of the siege established on land by a native army supported and provided for by the American admiral, Manila still holds its own and the Spanish standard still waves over the city. On the other hand, the whole Archipelago of the Philippines is in the power and under the sovereignty of Spain. Therefore the government of Spain thinks that the temporary occupation of Manila should constitute a guaranty. It is stated that the Treaty of Peace shall determine the control, disposition and government of the Philip-

<sup>6</sup> *For. Rel.*, 1898, pp. 822-3.

pires; but as the intentions of the Federal Government by regression remain veiled, therefore the Spanish Government must declare that while accepting the third condition, they do not *a priori* renounce the sovereignty of Spain over the Archipelago, leaving it to the negotiators to agree as to such reforms which the condition of these possessions and the level of culture of their natives may render desirable."

M. Cambon reported that the reading of this note visibly annoyed the president and the secretary of state, and that after a prolonged silence the president said:

"I asked of Spain the cession, and consequently the immediate evacuation of the Islands of Cuba and Porto Rico. Instead of a categorical acceptance, as was expected, the Spanish Government addresses me a note in which it invokes the necessity of obtaining the approval of the Cortes. I can not lend myself to entering into these considerations of domestic governments."

M. Cambon replied that the Spanish minister was merely conforming to his constitutional obligations, and that the president had formerly stated that *his* acts also must be ratified by the Senate. In fact, the preliminary document would merely embody the understanding of the two governments upon which hostilities would be suspended, and only the definite treaty was required to be ratified by either the Cortes or the Senate.

Cambon finally agreed to secure authority to sign a protocol, having by all his persistence and diplomacy succeeded in having only one word, and it unimportant, of the proposed terms changed. He reported to Madrid that it was the best he could do and that nothing more was to be expected "from a conqueror resolved to procure all the profit possible from the advantages it has obtained."

The protocol, as signed on August 12, provided that

"The United States will occupy and hold the city, bay and harbor of Manila pending the conclusion of a treaty of peace

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<sup>7</sup> *Sp. Dip. Corr. and Docs.*, p. 219; *For. Rel.*, 1898, p. 956.

which shall determine the control, disposition and government of the Philippines."<sup>8</sup>

Commissioners representing Spain and the United States were to convene at Paris on the first day of October, for the purpose of negotiating a treaty of peace. In the interim M. Cambon would continue to represent Spanish interests at Washington.

The situation created by this protocol was somewhat unusual, and differences of opinion soon developed over the meaning of the provisions relating to the *status* of Spain in the Philippines. Arrangements were to be made for the evacuation of Cuba and Porto Rico, and, regardless of theories, Spanish sovereignty in those islands came at once to an end. But the capitulation of Manila a few hours after the signing of the protocol at Washington created a situation which bristled with legal difficulties. The protocol provided that the United States would occupy the city, bay and harbor of Manila, which implied that elsewhere in the Archipelago Spain should not be relieved of the duty of maintaining order and protecting the lives and property of her subjects. The fact that a native insurrection was in progress was not taken into consideration, nor did the protocol contain anything which implied that Spanish sovereignty should be suspended elsewhere than over the city, bay and harbor of Manila.

The reasonable inference was that these places were to be held as security until the future disposition of the islands was determined in the manner provided, but the capitulation of Manila after the signing of the protocol, and without knowledge thereof, changed the situation. The Spanish took the plausible position that all military operations after the protocol was signed were without legal value; that is, created no legal rights. Had this view been adopted it would have left the parties to the protocol where they probably intended to place themselves when it was signed. The city, bay and harbor would have been in the possession of the United States, but the Spanish soldiers would not have been technically prisoners of war, and the public property would have remained the property of Spain.

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<sup>8</sup> *For. Rel.*, 1898, p. 824.

Several communications passed between the French ambassador and the secretary of state, in which the former called attention to rumors which had come by way of Madrid that the insurrection was spreading throughout the islands and that the insurgents were sending out armed vessels to attack Spanish ports and shipping; that ships were being chartered at Hong Kong to transport the Spanish troops from Manila to Spain, and that the United States was increasing its naval strength in the Pacific by sending the *Oregon* and *Iowa* to Manila. Assuming that Spain was still under obligation to maintain law and order beyond the limits of the city, harbor and bay of Manila, M. Cambon suggested that either the Spanish troops, who had been reduced to inactivity by the capitulation of Manila, should be placed at the disposal of Spain to be used against the insurgents, or that troops for that purpose should be despatched from Spain. Such a proposal shows how little he understood the actual situation in the islands, and it also shows what Spain expected to do with the forces which would be released upon the evacuation of Cuba.

In language which assumed that the United States was responsible for and controlled the actions of the Filipino insurgents, it was requested that the United States cause hostilities by all parties to cease while the peace negotiations were pending. Secretary Day assured M. Cambon that the rumors which had caused so much anxiety were mostly without foundation, but that the release of the Spanish troops for use against the insurgents could not be considered, nor would the sending of troops from Spain be looked upon with favor. While assuming no responsibility for the actions of insurgents beyond the limits of Manila, Spain was assured that the government of the United States would exert its influence in favor of a suspension by them of hostilities while peace negotiations between the United States and Spain were in progress.

On September 11 M. Cambon transmitted a note from the Duke of Almodovar, in which the views of Spain as to the situation were summarized.<sup>9</sup> Practically all of its propositions had

<sup>9</sup> *For. Rel.*, 1898, p. 813.

already been advanced by M. Cambon and their validity denied by Secretary Day. In view of what occurred during the peace negotiations, it is interesting to note the position of the Spanish government as expressed immediately after the signing of the Peace Protocol.

It was contended that the occupation of the city, bay and harbor of Manila should be considered to be under the provision of the protocol of August 12, and not of the capitulation of August 13, which Spain claimed was null and void, because concluded after the agreement to suspend hostilities had been signed. Spain had acquiesced in the occupation of Manila without renouncing her sovereignty, and, therefore, possession did not authorize the United States to alter the Spanish law then in force. All civil, administrative, judicial and political institutions should remain unchanged until the treaty of peace determined the control, disposition and government of the islands. The Spanish troops in Manila were free, and Spain by the terms of the protocol had the right to use them during the interim and transport them, with their colors, arms and ammunition, to parts of the Archipelago not occupied by the Americans, to suppress rebellion, maintain order and protect the lives and property of foreigners and subjects in accordance with its duties as sovereign. As the insurgents had not been recognized as belligerents, their armed ships which engaged in depredations on the high seas were pirates and should be treated as such. Therefore, confidence was expressed that during the period preceding the making of a treaty of peace the United States would not introduce changes into the economic and fiscal administrations of Manila, nor divert for other purposes the customs revenues which were pledged for lawfully incurred obligations.

The propositions thus advanced by Spain were not argued by Mr. Day; they were simply denied. It was conceded that the United States held Manila by virtue of the provisions of the protocol, but that, nevertheless, the capitulation was valid because the suspension of hostilities, provided for, must be considered as taking effect at the date of the receipt of the notice.

However, it was immaterial whether the occupation was by virtue of the protocol or the capitulation; in either case it was military occupation, and the rights and powers of the occupants were the same.

The Spanish government replied that the theory of the validity of the capitulation was contrary to international law and the history of wars between civilized countries, and dissented from the assertion that the powers of the occupant were the same whether the possession was under the protocol or the capitulation.<sup>10</sup>

But the Peace Commission was now in session in Paris, and John Hay, who had become secretary of state, after correcting certain statements as to facts, declined to continue further the consideration of questions which would come before that body.

The representatives of the United States and Spain met at Paris on the Quai d'Orsay, October 1, 1898, and entered upon the work of negotiating a treaty of peace. For the United States it was to be a gathering of the fruits of the war; for Spain, the last struggle to save something from the wreck of her ancient colonial possessions.

The United States sent to the conference the ablest men who had represented her in any such capacity since Gallatin, Adams, Clay, Bayard and Russell, at Ghent, succeeded in wresting from Great Britain a treaty which would have been creditable had they represented a victorious instead of a sadly discomfited nation.

The American commissioners were William R. Day, former Secretary of State, who had been in charge of foreign affairs during the war and until after the signing of the Peace Protocol under which the commission was acting; Cushman K. Davis, a senator of the United States from Minnesota, the powerful chairman of the Senate Committee on Foreign Affairs, a lawyer of great learning and experience, an orator and scholar learned in international law and diplomatic usage; William P. Frye, a sen-

<sup>10</sup> *For. Rel.*, 1898, pp. 815-817.



ator of the United States from Maine and a man of vast experience in public life; George Gray, a senator from Delaware, who had represented the country on various international tribunals; and Whitelaw Reid, a journalist and publicist of international reputation, who had lately retired from the position of minister to France. As secretary and consul, President McKinley named John Bassett Moore, formerly Assistant Secretary of State, Professor of International Law at Columbia University, a member of the Institute of International Law, and well and widely known as a writer on international law.

The members of the Spanish Commission were all men of distinction and experience. E. Montero Rios was President of the Senate, ex-Minister of the Crown and President of the Supreme Tribunal of Justice; Buenaventura Abarzuza was a senator and former ambassador; José de Garnica y Diaz, a member of the Supreme Court of Justice; W. R. de Villa-Urrutia, Minister of Spain at the Court of Brussels, and a professor in the Royal Academy of Jurisprudence and Legislation; Rafael Cerero, a General of Division, and, like the others, entitled to wear the insignia of many illustrious orders. Señor Emilio de Ojeda was secretary of the Spanish Commission.<sup>11</sup>

The negotiations extended from October 1 to December 10, and were distinguished by some acerbity and arrogance on the part of the Spaniards and stern adherence to their demands by the Americans. As President McKinley had imposed his de-

<sup>11</sup> The Filipinos sent Señor Filipe Agoncillo to Paris to present their case to the Conference, but he never made any serious effort to be heard, believing evidently that he could be more effective at Washington. It has been frequently asserted that Agoncillo was denied a hearing, that the door was slammed in his face. See Mr. Schurtz's speech at Chicago, October, 1899.

There is some uncertainty as to what occurred. Mr. Justice Day's recollection is that a representative of Aguinaldo requested a hearing which was denied on the ground that the commission had no authority to deal with the matter. Personal letter, March 22, 1916.

Whitelaw Reid (*American and English Studies*, I, p. 177), says: "Now, whatever might have happened, the door was certainly never slammed in their faces at Paris, for they never came to it. On the contrary, every time Mr. Agoncillo approached any member of the Commission on the subject he was courteously invited to send the Commissioners a written request for a hearing, which would at any rate receive immediate consideration. No such request ever came, and any Filipino who wrote for a hearing in Paris was heard."

mands upon M. Cambon in Washington, so the commissioners in Paris, acting under his immediate instructions and orders, did little more than announce what America required of Spain and proceed to make up a record of the conferences.

Spain knew that her possessions in the West were gone forever, but her representatives evidently went to Paris expecting that with the burdens would go the troublesome possessions. The colonial debts, it was assumed, would pass with the sovereignty, and thus substantial future good might come out of the hopeless conditions which preceded the war. In this she was to be grievously disappointed.

She also hoped that she would be permitted to retain her colonial possessions in the Far East, as they had been but indirectly involved in the war, and, as far as she knew, there was nothing in the past history of the United States to suggest that it would care to assume the burden of governing these far-away colonies inhabited by an alien people who had already formed well-established insurrectionary habits. Nevertheless, it was possible that the United States would wrest this last vestige of her colonies from her. Suggestions to this effect began to appear in the American press almost immediately after the naval battle of Manila Bay, and the sending over of an army to capture and hold Manila was ominous of an intent to do more than repeat the British exploit of 1762. This uneasiness, as we have already seen, was apparent throughout the preliminary negotiations at Washington.

Events in Manila had also added to Spanish perturbation. The capitulation of the city, with its army and public property, on the day after the signing of the Peace Protocol was very unfortunate for Spain. It was the fear of this very thing which agitated the Duke of Almodovar when he hurriedly sought the good offices of France to bring hostilities to a close. But Manila had been captured before notice of the cessation of hostilities could reach the American commander, and when the commission met in Paris American officers were already ruling the city, as the exigencies of military occupation and the peculiar local

conditions, created by the existence of Aguinaldo and his government, seemed to require. To the demand of the governor-general for the *status quo*, General Merritt had replied that as he had no notice of the signing of the protocol until after the capitulation of the city, he held it as a military conqueror and would govern it under military law according to the terms of the capitulation. A similar answer had been given to M. Cambon by the secretary of state.

At the first conference the Spanish took the offensive by stating in rather peremptory terms what they designated as the preliminary *demands* of Spain. Señor Montero Ríos announced that he was charged with the duty of laying before the American commissioners a proposition *in limine* and of a pressing nature. It related to the situation in the Philippines and to the claim that the rights of the respective states were fixed and determined as of the date of the signing of the Peace Protocol and could not be thereafter altered to the prejudice of the parties during the suspension of hostilities. Therefore, the Spanish representatives felt

“bound to propose and demand of the said Commissioners that jointly with the undersigned they be pleased to declare that the said *status quo* must be immediately restored by the contracting party that may have altered the same, or may have consented to, or failed to prevent its alteration to the prejudice of the other. And the Spanish Commissioners, understanding that such *status quo* was altered and continues being altered with daily increasing gravity to the prejudice of Spain by the Tagalog rebels, who formed during the campaign, and still form, an auxiliary force to the regular American troops, demand of the American Commissioners that jointly with the undersigned they be pleased to declare that the authorities and officers of the American forces in the Philippine Islands must at once proceed fully and absolutely to restore the said *status quo* in the territories they may occupy, and must abstain from preventing, by any means, direct or indirect, the restoration thereof by the Spanish authorities and forces, in the territory now occupied by those of the United States.”<sup>12</sup>

<sup>12</sup> *Sen. Doc. 62*, p. 15; *For. Rel.*, 1898, p. 916. Mr. Reid, in an interesting private letter to President McKinley (Olcott, II, p. 123), says that their tone was “one of rather proud supplication,” an appeal to our magnanimity.

The American commissioners concurred in the opinion that the protocol of August 12 embodied the conditions upon which the negotiations for peace were proceeding, but declined to join in the proposals and demands, because they could see therein nothing but an attempt to divert the conference from the objects for which it had met to the consideration of subjects which properly belonged to their governments, and which had, in fact, been already disposed of at Washington.<sup>13</sup>

Mr. Day reported to Secretary Hay that this communication was well received by the Spanish commissioners.<sup>14</sup> If so, it suggests that they must have expected very little, for they got nothing. Secretary Hay had declined to consider further the questions raised in the Spanish note of October 4, presented at Washington by M. Cambon, because they were for the consideration of the conference. The Spanish commissioners were, therefore, obliged to content themselves with asserting that it was their duty to make known to the American commissioners that if the *status quo* existing in the Philippines on August 12 continued to be disturbed to the prejudice of Spain the representatives of Her Catholic Majesty reserved the right to act as they might deem the rights of Spain required, since they could not conceive how the treaty of peace they were charged with arranging with the American commissioners on the immutable basis of the protocol could be continued if these bases were being constantly altered to the prejudice of Spain.<sup>15</sup> Having thus entered its protest, the Spanish Commission allowed this question to rest until the future of the Philippines was brought up for consideration.

The way being thus cleared, the conference proceeded to the consideration of the provisions of the Peace Protocol. At the third meeting the Spanish commissioners proposed various articles for a treaty, the first of which raised a question upon which the conference came near going to pieces—that of the colonial debts. Upon this Spain made her first stand, and fought as des-

<sup>13</sup> *Sen. Doc.* 62, p. 21.

<sup>14</sup> *For. Rel.*, 1898, p. 917.

<sup>15</sup> *Sen. Doc.* 62, p. 25.

perately as had her soldiers and sailors on more spectacular if not less important fields. Time has shown that her fears of utter bankruptcy were groundless, but they were, nevertheless, at the time very serious and reasonable fears. The Spanish people failed to see that Spain with the debts and without the colonies would be on a firmer financial basis than with the debts and the debt-breeding colonies. Of course, to be relieved of both the colonies and the debts was a consummation devoutly to be wished; but it was not to be.

By one of the proposed articles<sup>16</sup> Spain was to relinquish her sovereignty over Cuba *to the United States*, which accepted it in order to transfer it to the Cuban people. The relinquishment was to include all the prerogatives, powers and rights which belonged to Spain and all charges and obligations of every kind in existence at the time of the ratification of the treaty of peace which Spain in the exercise of her sovereign authority had lawfully contracted in Cuba.

It will be remembered that the third article of the Peace Protocol made no reference to these debts, although it is inconceivable that the matter was not in the minds of the negotiators. It is a remarkable fact that while the president's instructions to the peace commissioners referred to a rumor, which proved unfounded, that a claim would be made for compensation for the public property of the Spanish government in Cuba and in the territories ceded to the United States, no reference was made to the substantial bonded indebtedness of Cuba, Porto Rico and the Philippine Islands. The Spaniards assumed that under established public law the public debt of a ceded province or country would pass as an incident of the cession to the new sovereign. But so far as the record shows, the probability of this claim being made did not even suggest itself to the president or the secretary of state.

Spain wished to relinquish Cuba *to the United States* and permit her to dispose of it in the future as to her seemed most expedient and desirable. It was contended that under the rules of

<sup>16</sup> See Annex to Protocol, No. 3, *Sen. Doc. 62*, p. 27.

international law the public debts which were a charge on Cuba should pass with the sovereignty. The argument was legally sound, and the only way it could be effectively met was by impugning the moral validity of the debts as obligations of the colonies.

The administration of the Spanish colonies had always been kept distinct from that of the mother country. Each colony collected its own revenues, and its deficits were made up not by Spain, but from the treasury of some other more prosperous colony. Thus for many years Cuba and the Philippines received their annual *situado*, or subsidy, from Mexico. In more modern times each colony had its own budget, and generally its own personal deficit. When the revenues were insufficient the expenses of the local government were provided for by consolidated mortgages, or floating debts which were charged to the colony for whose benefit they were contracted. Neither Cuba nor Porto Rico had ever been included in the general budget of Spain nor had their revenues or expenses ever appeared there.

All the Spanish-American colonies when they separated from Spain had recognized this situation and had voluntarily assumed their existing public debts. Spain now desired the recognition in the treaty of the principle that a debt, being exclusively the debt of the colony and affecting its territory only, should go with the colony. The application of the principle could be intrusted to a commission to be provided for in the treaty of peace.

In one of their memoranda<sup>17</sup> the Spanish commissioners indulged in some moralizing upon the duties of a government toward its subjects in terms which, in the light of her history, must have suggested to the American public, if not to the American commissioners, the well-known habit of a certain distinguished personage of quoting the Scriptures: "The Sovereign, it is true," it was said, "has prerogatives and rights over the territory and its inhabitants; but these prerogatives and rights attach to him not for his own satisfaction and enjoyment, but for the good government and the welfare of the people, subject to his rule."

<sup>17</sup> *Sen. Doc. 62*, p. 41.

Spain, therefore, could not consent to sacrifice the financial rights of her subjects who were the holders of the colonial debts. Language such as this was purely conventional and had a false ring, but the following words which closed one of the Spanish communications can not be read without sympathy by those who are familiar with Spanish history:

Issues which related to money only could not "fail to be solved satisfactorily between two parties, one of which is the greatest nation of the new world, immensely rich and prosperous, blessed with inexhaustible resources, whether due to nature or the prodigious activity of its inhabitants, which, on the one hand, acquires by this treaty territories of great importance, and thereby fulfils an aspiration of its policy in America, while the other party is a great and noble nation of the old world, a cordial friend of her late antagonist in days, for her, more prosperous, but now impoverished through the misfortunes heaped upon her during the century which is about to terminate; whose treasury is overburdened by obligations, and for whom the present treaty will mean the solemn confirmation of the loss of the last remnant of her American Empire."<sup>18</sup>

But the American Commission had decided that the debts should not be assumed and that the Cubans should start their independent existence with the national homestead free from incumbrance. It must be conceded that this was legally a *tour de force*. According to the settled principles of international law the debts which had been legally incurred and secured as a specific lien on the colonial revenues, particularly when the *proceeds had been used for the construction of public works*, should have been held to run with the country.

The arguments advanced by the American commissioners were mostly either extremely technical or were based on such large general principles that they were without any real basis in public law. The distinction which it was sought to make between the *relinquishment* and the *abandonment* of sovereignty was not substantial, and the attempt of the Americans to sustain their view by citing *Eschriche's Diccionario* drew the remark

<sup>18</sup> *Sen. Doc. 62*, p. 93.

that this was a very respectable work much used in Spain by young lawyers in the early stages of legal practise. Nor was the claim that the question of the debts was excluded from consideration by the language of the protocol tenable, as it was fairly one of the details connected with the relinquishment of sovereignty over Cuba and the cession of the other islands.

Mr. Day notified Washington that the Spanish Commission had expressed a willingness to relinquish sovereignty over Cuba if some responsibility for the debt was acknowledged, and that they had been requested to state whether they would decline to sign any treaty which did not contain such a provision.

This was the critical stage of the negotiations. On the evening of October 25 the Spanish ambassador called upon General Horace Porter, the American ambassador to France, and explained the situation to him. From General Porter he went to Mr. Reid and informed him that Montero Ríos could not return to Spain and must break off negotiations rather than abandon the claim to have at least a part of the Cuban debt assumed by the United States or Cuba.

The ambassador suggested that possibly if Spain abandoned her demand for the assumption of the Cuban debt, some compensating advantage might be granted her in the form of a concession in connection with the Philippines. Mr. Reid could give him little satisfaction. He informed the ambassador that the American people, while not eager to retain the Philippines, were beginning to feel that as they had practically conquered the islands they had a right to retain them. He believed that the preponderance of sentiment in the United States favored that course, although an influential minority did not go to that length. It was possible, Mr. Reid suggested, that out of this condition the Spanish commissioners might be able to find something in territory or debt which would seem to their people at home like a concession.<sup>19</sup>

While waiting for the Spanish commissioners to decide

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<sup>19</sup> Mr. Day to Mr. Adee, Oct. 27, *For. Rel.*, 1898, p. 936.



whether they would stand or fall on the question of the debt, Mr. Day asked the secretary of state whether the president would approve an article to the effect that the United States, while not assuming any independent liability of its own, would use its good offices with any people or government possessing sovereignty in Cuba for the acknowledgment of debts incurred by Spain of a pacific character in the island—the amounts to be determined by a commission. The American Commission, he thought, might feel inclined to make this concession on the strength of the precedents and opinions of publicists that local debts incurred specially for the benefit of territory are transferred with such territory.<sup>20</sup>

But this disposition on the part of the commissioners to yield to argument and authority was promptly suppressed. Secretary Hay replied that he was directed by the president to say that

“under no circumstances will the United States Government assume any part of what is known as the Cuban debt, . . . nor would the United States engage to use its good offices to induce any government hereafter to be established in Cuba to assume such debt.”<sup>21</sup>

The Spanish commissioners were then bluntly informed *that the United States did not believe that there were any debts outstanding which had been incurred by Spain for existing improvements of a permanent character*;<sup>22</sup> that while the United States would, of course, assume the obligations imposed by the rules of international law, and which would follow from its occupation of Cuba, it declined to accept the burden of Cuban debts either for itself or for Cuba. Spain must, in the language of the protocol, simply relinquish her claim of sovereignty over and title to Cuba and cede to the United States the islands of Porto Rico and Guam in the Ladrões.

<sup>20</sup> Mr. Day to Mr. Hay, October 25, *For. Rel.*, 1898, p. 931.

<sup>21</sup> Secretary Hay to Mr. Day, Oct. 25, 1898, *For. Rel.*, 1898, p. 932.

<sup>22</sup> *For. Rel.*, 1898, p. 936. A royal decree of June 28, 1897, announced the issuance of bonds to the amount of 40,000,000 pesos due in forty years, secured by the Philippine customs on the general guarantee of Spain. The proceeds certainly were not used to construct public works, but the \$20,000,000 paid by the United States probably represented about the amount that had from time to time been invested in such works on the islands.

The Spanish commissioners, with elaborate explanations and reservations, then accepted the articles proposed by the Americans, and suggested that the matter of the Philippines should be taken up. It was evident that the faint hope held out by Mr. Reid to the Spanish ambassador had been seized upon by the Spaniards. After the conference Señor Ojedo informed Mr. Day that a surrender on their part without some relief would mean national bankruptcy, and that they hoped they would receive liberal treatment in the matter of the Philippines. "He made further appeal," says Mr. Day, "to which I made no answer."

But it was to no purpose that Spain thus humiliated herself. At the conference on October 31 the American commissioners demanded the cession of the entire Philippine Archipelago, merely stating that the United States would assume any existing indebtedness which had been incurred for public works and improvements of a pacific character in the Philippines.<sup>23</sup>

The decision to take the islands was not reached without careful consideration of conditions and possible consequences, and after much correspondence with Washington. The problem was worked out while the conference was in session. When the Peace Protocol was signed on August 12 public opinion in the United States had not crystallized, and the president, as we have seen, decided to leave the question of the future of the islands to be decided by the commission, which was to meet some months later. He realized that any demand for territory in the Far East must be made to square with the disinterested motives which had been proclaimed to the world at the beginning of the war. The original instructions<sup>24</sup> stated that while still solicitous to adhere to our original purpose, we could not be unmindful that, without any desire on our part, the war had brought duties and responsibilities "which we must meet and discharge as becomes a great nation on whose growth and career from the beginning the

<sup>23</sup> *Sen. Doc. 62*, p. 107.

<sup>24</sup> See *For. Rel.*, 1898, p. 904, *et seq.*

Ruler of Nations has plainly written the high command and pledge of civilization."

The United States, therefore, could not accept less than the cession in full right and sovereignty of the island of Luzon, and it was desirable that we should acquire the right of entry for vessels and merchandise belonging to citizens of the United States into such ports of the Philippines as were not ceded to the United States upon terms of equal favor with Spanish ships and merchandise.

But it is evident that the commissioners understood that these instructions were merely tentative, as they immediately began to collect information with reference to conditions in the islands and the commercial value of the country.

On October 4 Mr. Day telegraphed to Secretary Hay that the opinion of Admiral Dewey in the possession of the commission seemed to favor the retention of Luzon only, but as it appeared to have been given in answer to a question as to which island should be retained, it was desired that the admiral's opinion as to the value of the other islands should be obtained. Five days later the commission reported that it had taken the testimony of General Merritt, and had received and considered the statements of General F. V. Greene, Major Bourne, Major J. F. Bell, Admiral Dewey, Commander R. B. Bradford, General C. A. Whittier, Colonel C. L. Jewett, the Belgian Consul, André, and the correspondence which had passed between the American officers and Aguinaldo.

On October 9 they examined Mr. John Foreman, an Englishman who had lived in Manila and had written a popular book on the Philippines. The weight of the evidence taken supported the view that the islands should not be returned to Spain; that the Filipinos were not then capable of self-government, and that it would be good policy for the United States to acquire the entire Archipelago instead of merely the island of Luzon.<sup>25</sup>

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<sup>25</sup> The opinions were summarized in a despatch to Secretary Hay October 6. *For. Rel.*, 1898, p. 918. The evidence and statements in full are in *Sen. Doc.*, 62, p. 362 *et seq.*

About the same time a message was received from Admiral Dewey, which doubtless had some effect upon the action of the commissioners. "It is important," said the admiral, "that the disposition of the Philippine Islands should be decided as soon as possible and a strong government established. Spanish authority has been completely destroyed in Luzon, and general anarchy prevails without the limits of the city and bay of Manila. Strongly probable that islands to the south will fall into the same state soon. Distressing reports have been received of inhuman cruelty practised on religious and civil authorities in other parts of these islands. The natives appear unable to govern."<sup>26</sup>

Five days later a telegram from General Otis, forwarded to Paris, announced that the situation in Luzon was somewhat improved; that Aguinaldo was moderately recognized by the natives, but that the insurgent authority was "crude." By this time conflicting opinions had developed among the commissioners, and on October 25 complete statements of their different views were cabled to Washington,<sup>27</sup> with a request for explicit instructions. Davis, Frye and Reid, who had reached the conclusion that it would be a political and commercial mistake to divide the Archipelago, therefore favored taking the entire group and asked for broader instructions.

Mr. Day believed that they should be mindful of the oft-declared disinterestedness of purpose and freedom from designs of conquest with which the war had been undertaken, and should not peremptorily demand the entire Philippine group. He favored experimenting with the colonial problem on a small scale.

"Only experience," he said, "can determine the success of colonial expansion upon which the United States is entering. It may prove expensive in proportion to the scale upon which it is tried with ignorant and semi-barbarous people at the other side of the world. It should, therefore, be kept within bounds."

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<sup>26</sup> *For. Rel.*, 1898, p. 928.

<sup>27</sup> *For. Rel.*, 1898, p. 932.

Senator Gray's statement summed up the familiar arguments against the policy of annexation.

But the president had reached the conclusion that it was necessary to demand the entire Archipelago, and Secretary Hay informed the commission that:

"The information which has come to the President since your departure convinces him that the acceptance of the cession of Luzon alone, leaving the rest of the islands subject to Spanish rule, or to be the subject of future contention, can not be justified on political, commercial or humanitarian grounds. The cession must be of the whole Archipelago or none. The latter is wholly inadmissible and the former must therefore be required. The President reaches this conclusion after most thorough consideration of the whole subject and is deeply sensible of the grave responsibilities it will impose, believing that this course will entail less trouble than any other, and besides will best subserve the interests of the people involved, for whose welfare we can not escape responsibility."<sup>28</sup>

This was followed by another telegram, in which Secretary Hay considered the grounds upon which the demand should be made. "While the Philippines can be justly claimed by conquest, which position must not be yielded, yet their disposition, control and government the President prefers should be the subject of negotiations as provided in the protocol. . . . The sentiment in the United States is almost universal that the people of the Philippines, whatever else is done, must be liberated from Spanish domination. In this sentiment the President fully concurs."

The president, wrote Secretary Hay, "can see but one plain path of duty—the acceptance of the Archipelago. Greater difficulties and more serious complications, administrative and international, would follow any other course."<sup>29</sup>

<sup>28</sup> *For. Rel.*, 1898, p. 935. In a speech delivered after the treaty was signed, Senator Foraker said: "The case of Cuba was simple, involving only our relations with Spain and the Cubans. In the case of the Philippines there were other complications which can not be mentioned here, but of which senators will hear in Executive session, which justified the President's course in most ample manner and vindicated most completely everything he has done." Quoted in *The London Times*, Jan. 13, 1899.

<sup>29</sup> Mr. Hay to Mr. Day, Oct. 28, 1898, *For. Rel.*, 1898, p. 937. See the president's statement to the Methodist bishops on Nov. 21, 1899, *Olcott's Life of McKinley*, II, p. 109, also in *The Christian Advocate*, January 22, 1903.

The president and Secretary Hay were of the opinion that the entire Archipelago had been acquired by conquest, but the commissioners could not accept that view. "After careful examination of the authorities," wrote Mr. Day, "the majority of the Commission are clearly of the opinion that our demand for the Philippine Islands can not be based on conquest. When the protocol was signed, Manila was not captured; siege was in progress and capture made after the execution of the protocol. Captures made after agreement for armistice must be disregarded and *status quo* restored as far as practicable. *We can require cession of the Philippine Islands only as indemnity for losses and expenses of the war.*"<sup>30</sup>

The president replied that the destruction of the Spanish fleet on May 1 was the conquest of Manila, the capital of the Philippines, and that the claim by right of conquest should not be abandoned. But the commissioners were convinced that to urge the claim of conquest would probably prevent the making of a treaty, as "subsequent military operations and capitulation, no less than mutual acceptance of the protocol, precludes making demand upon that ground. Our opinion as to the ineffectiveness of capitulation after protocol has already been stated."

Senator Davis added the following statement to the despatch: "I think we can demand cession of the entire Archipelago on other and more valid grounds than a perfected territorial conquest of the Philippine Islands, such as indemnity or as conditions of peace imposed by our general military success, and in view of our future security and general welfare, commercial and otherwise."<sup>31</sup>

In the face of this opposition the president gave way, and Secretary Hay replied that the only wish of the president was to hold all the grounds upon which the United States could fairly and justly make the claim; that while indemnity should be put forth as the chief ground, conquest should not be ignored. His

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<sup>30</sup> Mr. Day to Mr. Adee, Nov. 3, 1898. *For. Rel.*, 1898, p. 940.

<sup>31</sup> Mr. Day to Mr. Adee, Nov. 4, 1898. (Marked Special for the President.) *For. Rel.*, 1898, p. 941.

great concern was to secure a treaty which would not only satisfy the present generation, but also meet with the approving judgment of posterity.<sup>32</sup>

Upon the presentation of the American demand for the Philippines the Spaniards attempted to reopen all the questions which had been considered and disposed of in connection with the cession of Cuba.

It was again asserted<sup>33</sup> that the protocol provided for the temporary and provisional occupation only of the city, bay and harbor of Manila until such time as the treaty of peace was concluded. Argument to support this view was found in the circular sent by the French government to its ambassadors, in which it was stated that the French ambassador at Washington had signed in the name of Spain a protocol which contained a provision for the provisional occupation of Manila by the American forces.

They also reoccupied their former position with reference to colonial debts, saying loftily, "Let it be understood, therefore, and the Spanish commissioners hope there will be no necessity to repeat it, that Spain can not and ought not, since respect for the rights of others forbids it, to agree to this treaty or to anything implying the impairment or suppression, or even disregard, of the private rights of others against the will of their legitimate and special proprietors."

After renewing her protest against the exercise of sovereign power by the American military government at Manila, and asserting again the invalidity of all military acts subsequent to the signing of the Peace Protocol, the Spanish commissioners announced that they could not consent to the cession of the Philippine Archipelago, but *would be happy to consider the question of the liability of the United States for the hostile acts committed after August 12.*

The Americans met the charge of inconsistency with the statement<sup>34</sup> that they had based their demands with reference to Cuba

<sup>32</sup> Secy. Hay to Mr. Day, Nov. 5, 1909. *For. Rel.*, 1898, p. 941.

<sup>33</sup> *Sen. Doc.* 62, p. 119.

<sup>34</sup> *Sen. Doc.* 62, p. 129.

and Porto Rico upon the precise terms of the protocol, because it was in those terms that the United States had made its demands. As to the Philippines, the United States, except as to the present occupation of Manila, confined itself in the protocol to demanding that the future of the islands should be left in the widest and fullest sense for future consideration. While it had not in the protocol demanded other specific concessions, it had reserved the right to demand them. Of course, the protocol provided for the *temporary* occupation of Manila. Had it provided for *permanent* occupation the Philippines, to that extent, would have been withdrawn from future consideration.

The negotiations with M. Cambon were then reviewed at length. President McKinley had clearly and definitely stated the situation with reference to the islands. With reference to the claim that the French minister of foreign affairs had understood the third article of the protocol as providing for a *temporary* possession only, they quoted a letter from General Horace Porter, the American ambassador in Paris, to the effect that the French minister for foreign affairs, when his attention was called to the use that the Spanish commissioners were making of his circular, had "disclaimed any intention of giving any views of his own regarding it, having no authority for so doing, and declared that the brief mention contained in his letter could in no wise be construed as an interpretation by him of the terms or meaning of that instrument."<sup>35</sup>

The United States did not ask for a pecuniary indemnity, nor would it take to itself the sovereignty of Cuba. It assumed only the burdens. It did demand Porto Rico, and now Spain was asked to cede a country constantly in rebellion, a country in which if to-day the United States should withdraw its troops Spain would immediately have to resort to force to overcome a rebellious and discontented people.

It was the turn of the American Commission to be "surprised" at the "extraordinary" claims of Spain, who seemed to be at one time claiming under and at another repudiating the Peace Pro-

<sup>35</sup> Gen. Porter to Mr. Day, Nov. 5, 1898. *Sen. Doc.* 62, p. 140.



tol. "Spain," it was said, "could claim only the *status quo* provided for by that instrument, and that was the right of the United States to occupy and hold the city, harbor and bay of Manila pending the conclusion of the treaty of peace. The city, harbor and bay of Manila were in the possession of the United States; it had been conceded by Spain, and the results incident thereto can not be defeated by alleging the invalidity of acts of hostility subsequent to the protocol."

According to the American view the protocol was, in legal effect, a military convention which provided for the capitulation of Manila which should thereafter be governed by the laws of war. Hence the acts complained of and for which Spain demanded compensation were legal even under the protocol and could rightfully have been done if no hostilities had been conducted after it was signed.

When the protocol "was executed by the United States taking possession, it presented a case of military occupation of that certain defined territory, and vested in that government all the rights which the laws of war give to a military occupation. This capitulation was general in its character and terms. It comprehended the defined territory and all that it contained, including the forts, the muniments of war and the barracks. It included everything and every person left in the city by Spain. It included the garrison for that reason. Under the special circumstances of the case the surrender of the garrison was necessarily contemplated by the protocol. . . . Had it been intended that the garrison should be permitted to depart from the capitulated city, the usual provision would have been made that it should march out with its arms and with the honors of war. Containing no such provision, the exaction that the Spanish troops should surrender to the occupying power was as justifiable and legal under the protocol as was the taking possession by that power of the forts, barracks and muniments of war. . . . In all cases where, pending war, a certain defined part of the territory of the belligerent is, by the terms of a military convention, agreed to be put in the military possession of the other belligerent, the sovereignty of the occupying party (the United States in the present instance) displaces or suspends the sovereignty of the other belligerent and

becomes for the purposes of the military occupation a substitute for it."

In an elaborate memorandum, somewhat overcharged with sarcasm, presented at the conference of November 16,<sup>36</sup> the Spanish commissioners returned to the question of colonial debts and reviewed again the negotiations preceding the signing of the protocol, but nothing of value was added to the argument against the claim that the occupation of Manila under the protocol was a military occupation.

The Spaniards now proposed that the meaning of articles three and four of the protocol should be submitted to arbitration, and in view of "the glorious precedents" which had been established by the United States they expressed great confidence that the proposition would be accepted. It was a very good move. But the answer was that arbitration, while commendable in itself, should precede war and not come after the trial by battle to enable the defeated party to escape the consequences of his folly.<sup>37</sup>

As to the Filipinos being allies, "it was not a relation which the government of the United States intended to establish, but it must be at least admitted that the insurgent chiefs returned and assumed their activities with the consent of our military and naval commanders, who permitted them to arm with the weapons which we had captured from the Spaniards and assured them of fair treatment and justice. Would we be justified now in surrendering these people to the government of Spain, even under a promise of amnesty, which we know they would not accept? . . . The situation which has arisen in the Philippines was neither foreseen nor desired by the United States; but since it exists that government will not shirk the responsibility growing out of it, and the American Commissioners now make to the

<sup>36</sup> *Sen. Doc.* 62, p. 174.

<sup>37</sup> "The principle thus stated is thought self-evidently sound and just. Americans were surprised to find how completely it was overlooked in the contemporaneous European discussion—how general was the sympathy with the Spanish request for arbitration, and how naïve was the apparently genuine surprise at the instant and unqualified refusal to consider it. Even English voices joined in the chorus of encouraging approval that from every quarter of Europe greeted the formal Spanish appeal for an opportunity to try over in another form the questions they had already submitted to the arbitrament of arms." Reid, *Problems of Expansion*, p. 74.

Spanish Commissioners, in the light of these responsibilities, the final proposition."

The Spaniards made considerable capital out of the alleged harshness of the American demand and appealed with some success to the sympathies of the public.

The peace conferences were being held in a distinctly anti-American environment.<sup>38</sup> M. Gabriel Hanotaux, who was then the French minister for foreign affairs, in his recent book, *La France vivante en l'Amerique du Nord*, assures us that French diplomacy was eminently correct.<sup>39</sup> Nevertheless, neither France, Germany nor Russia was in sympathy with American aims or methods. The demand for the Philippines was regarded as unwarranted. The holders of Cuban bonds were active in trying to bring influence to bear on the American commissioners. German, like French diplomacy, was formally correct, but the people and the press were distinctly hostile to America. Doctor Andrew D. White, who was the American minister at Berlin, says that "whatever may have been the attitude of the German *press* and *people*, and indeed of continental Europe generally, the Imperial Government at Berlin was friendly to us rather than to Spain. They knew what Spain was and what we are; they showed this from the first in ways which could not be mistaken."<sup>40</sup>

America's traditional European friend, Russia, which was then working out the Manchurian policy which resulted so disastrously,

<sup>38</sup> On Nov. 15 the American commissioners found it advisable to issue a statement to meet the charges of violation of the protocol with which the Spaniards had flooded the European press. *For. Rel.*, 1898, p. 948.

<sup>39</sup> "Suddenly, and from no one knows where," says M. Hanotaux, "the rumor spread that France was hostile to the great American Republic. Certainly we had no need to take part against our neighbors and friends of the Peninsula. But if any diplomacy was ever correct and applied conscientiously the rules of neutrality, it was the French diplomacy of the period, as the documents would establish if it were necessary. However, the rumor, once launched, grew till it became menacing throughout all North America. It was an admitted and accepted fact that Americans passing through Paris were hostilely received, molested, maltreated. France was putting herself at the head of a league of hostile nations against the United States! . . . It was one of the worst moments of my ministerial career."

<sup>40</sup> Personal letter to the author, Dec. 18, 1913. See Mr. Hay's account of his interview with the German ambassador, Count Hatzfeldt, on July 13, Olcott's *Life of McKinley*, II, p. 133.

very seriously objected to the injection of a new power into the Far Eastern situation. The *Gazette* of St. Petersburg, as quoted in the *London Times*, said:

“By the transfer of the whole of the Philippines to such enterprising and tenacious people as the Americans, the Pacific Ocean would soon become a North American lake on which the flag of other nations would be merely tolerated. And yet this is what the American delegates now demand in the peace conference at Paris. McKinley, since his visit to Chicago, has joined the American jingoes. Madrid can only, of course, protest on paper. But besides the United States and Spain there are other great powers who have shown themselves capable of acting in concert in Japan and Crete, and those powers will no doubt be able to play a very affecting and harmonious tune to the North Americans on the shores of the Philippines, at San Francisco and New York, and, if necessary, in Washington. Only the growing intoxication induced by their victories over the Spaniards could have led them to dream that Europe, which is now so intensely interested in the permanent balance of national forces on the East Asiatic coast, would permit such a post as the Philippines to be placed exclusively in the possession of the United States.”

The British public was friendly to the United States, although the *London Times* criticized her attitude on the question of the Cuban debts.<sup>41</sup> Nevertheless it saw nothing unreasonable or indeed harsh in the terms which the United States proposed to impose upon Spain. They were no more severe than those imposed by Germany on France in 1871, or by Russia on Turkey in 1878, even after the latter were revised by the concert of Europe. According to the *Times*, the language of the protocol did not imply the necessary continuance of Spanish sovereignty in the Philippines. On November 9 it editorially expressed “The hope that Spain would speedily bow to necessity and confine her efforts in the negotiations to obtaining the best bargain possible in the allocation of the debts of her lost dependencies. . . . The sacrifice which she is called upon to make is not so great

<sup>41</sup> Mr. Frye reported the fact to Washington October 30. *For. Rel.*, 1898, p. 939.

as it appears. The retention of a nominal sovereignty in the Philippines would be a purely imaginary gain, and any share of effectual control would only be a danger to her peace and a drain upon her resources."

Indeed Great Britain was anxious that the United States should acquire the islands, as she expected thereby to gain a new ally in the Far East.<sup>42</sup> Lord Salisbury, never an enthusiastic admirer of America, speaking at the Guildhall while the Peace Conference was in session, said: "It is the first year in which the mighty force of the Republic has been introduced among the nations whose dominions are expanding and whose instruments are war. I am not implying the slightest blame—far from it; I am not refusing sympathy to the American Republic in the difficulties through which they have passed, but no one can deny that their appearance among the factors of Asiatic diplomacy is a grave and serious event which may not induce to the interests of peace, though I think in any event it is likely to conduce to the interests of Great Britain."

On November 13 the *Times* said: "We would rather see the Philippines in the hands of our American friends than in those of any European power."

Of Count Cassini's subsequent protest against the idea that the Russian government ever harbored the intention of interfering with America's action, the *Times* observed that "Governments were never so foolish as to avow an intention which it has not been found convenient to act upon."

In his original instructions to the commissioners President McKinley said that he was not "unmindful of the distressed financial condition of Spain, and whatever consideration the United States make now must come from its sense of generosity and benevolence rather than from any real or technical obligation." As the Spaniards refused to discuss the nature of the debts and the purposes for which the money had been expended, nothing

<sup>42</sup> This expectation has not been realized in any marked degree. Great Britain's alliance with Japan has prevented unity of action by the English-speaking powers in China.

could be done but estimate the amount as nearly as possible from the available data and offer a gross sum of money in lieu of a formal assumption of the debt.<sup>43</sup> The way in which the amount finally paid was determined appears in the correspondence which passed between the commissioners at Washington. As on many other matters the individual commissioners entertained conflicting views. On October 29 the secretary of state was informed that it was the intention to offer to assume the existing indebtedness incurred for necessary works and improvements of a pacific character, and this was approved by the president.

On the following day Mr. Frye sent a telegram for the president, in which, after stating that he feared there would be no treaty, he outlined a plan which he believed might be adopted. The articles relating to the Cuban debt had been accepted provisionally only by the Spanish Commission. The matter was therefore still unsettled. It seemed to him that the United States might agree to use its good offices with any government hereafter established in Cuba to secure the assumption by it of any indebtedness incurred for internal improvements there, and herself assume any like indebtedness in the territory ceded to the United States. "Might we not go further," he added, "and agree to pay Spain from ten to twenty million dollars if thus a treaty could be secured? If no treaty, then war; a continued disturbance of business, an expenditure of a million dollars a day, and further loss of life. Would not our people prefer to

<sup>43</sup> For details of the debt, see *Sen. Doc. 148*, p. 44. *For. Rel.*, 1898, p. 945.

"The American Commissioners," says Mr. Reid, "recognized the duty of reimbursement for debts legitimately incurred for specified improvements or otherwise for the real benefit of the transferred territory. Not till it began to appear that of the Philippine debt, \$40,000,000 (Mexican), or a little under twenty millions of our money, had been transferred direct to aid the war in Cuba, and the rest had probably been spent in the war in Luzon, did your representatives hesitate at the payment; and even then they decided to give a lump sum equal to it which could serve as a recognition of whatever debts Spain might have incurred in the past for expenditures in that Archipelago for the benefit of the people." Reid, *Problems of Expansion*, p. 40. In an article published in the *Anglo-Saxon Review* for June, 1899, Mr. Reid says: "She could use it to pay the Philippine bonds if she chose. That was the American view of the sanctity of public debts legitimately incurred in behalf of ceded territory; and that is an explanation of the money payment in the case of the Philippines, as well as the precise amount at which it was finally fixed."

pay Spain one-half of war expenditures rather than indulge in its costly luxury? Europe sympathizes with Spain in this regard. The correspondent of the *London Times*, in his yesterday's letter, criticised severely our attitude. The precedents of the last century are antagonistic to our position. Of course, we will not pay debts incurred in the suppression of the colonial rebellions."<sup>44</sup>

The president again expressed the desire that the commissioners should be generous in all matters which did not require a disregard of principle or duty, and a willingness to consider favorably whatever the commission deemed best with reference to debts for pacific public improvements in the Philippines.

On November 10 the personal views of each commissioner with reference to the assumption of the debt or a money payment to Spain were cabled to Washington.<sup>45</sup> Mr. Day adhered to his previously-expressed opinion that the islands would probably prove a burden instead of a benefit to the United States. Assuming, however, that the entire group was to be taken, and in view of the fact that Spain was bankrupt and losing her colonies, the revenues of which were charged with the outstanding debts, he favored paying a lump sum of about fifteen million dollars.

Senator Frye favored taking the entire group of islands and paying therefor the sum of ten million dollars, which he considered a fair estimate of the debt properly chargeable to the Philippine Islands. If necessary to secure a treaty, however, he favored taking Luzon, Mindora, Palawan and one of the Carolines, and paying from five to ten million dollars, but requiring, in addition, certain trade and cable concessions for Americans in the islands retained by Spain, and the immediate

<sup>44</sup> *For. Rel.*, 1898, p. 939.

In an address delivered at Chicago, Feby. 13, 1899, Mr. Reid said that the American commissioners had "maintained, in the face of the most vehement opposition, not merely of Spain but of well-nigh all Europe, a principle vital to oppressed people struggling for freedom, a principle without which our own freedom could not have been established, and without which any successful revolt against any unjust rule could be made practically impossible. That principle is that, contrary to the prevailing rule and practice in large transfers of sovereignty, debts do not necessarily follow the territory if incurred by the mother country distinctly in efforts to enslave it."

<sup>45</sup> *For. Rel.*, 1898, p. 945.

release of all political prisoners held in Cuba, Porto Rico, Guam and the Philippines, as well as freedom of religion in the islands.

Senator Grey was now willing to accept the cession of the islands in order to avoid what would inevitably result should war be resumed, the seizure with the strong hand of all Spain's colonial possessions.

Mr. Reid estimated the costs of the war at approximately three hundred million dollars. He regarded Porto Rico as worth not more than fifty million, and favored taking the entire Archipelago as indemnity for the balance, regarding "it as an asset of some sort, whether to develop or dispose of." However, to secure a treaty, he was willing to leave the island of Mindanao and the Sulu group and take in their place the Caroline Islands and the Ladrones, and pay a lump sum of from twelve to fifteen million dollars, which, however, should be returned to the United States out of the future revenues of the islands.

Senator Davis favored presenting an ultimatum requiring the cession of the entire Archipelago, Porto Rico and Guam, and the relinquishment of sovereignty over Cuba, without any money payment or the assumption of debts of any kind.

It will be noted that none of the commissioners made any reference to the duties which it was assumed that we owed to the Filipinos. The problem had been reduced to one of indemnity and the form the demand should take.

The definite and final instructions came on the following day.<sup>46</sup> The commission was instructed to insist upon the cession of the whole of the Philippines, and, if necessary, to pay from ten million to twenty million dollars. Questions of indemnity and trade advantages might be yielded, "they might be waived or compromised, but the question of duty and humanity appeals to the President so strongly that he can find no appropriate answer but the one he has here marked out."

On November 21 the offer of twenty million dollars was made, and an answer required within one week.

On November 22 the president of the Spanish Commission

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<sup>46</sup> *For. Rel.*, 1898, p. 948.



submitted seven questions to Mr. Day, which were designed to bring out the meaning which the Americans attached to the proposed articles, and on the following day the Spaniards presented three alternative propositions for which consideration was requested. The differing views of individual members were again communicated to Washington, but the president directed the commission to be guided by the instructions already given, and on November 26 the Spanish commissioners were so informed.

On November 29 Mr. Day telegraphed Washington that the Spanish commissioners had given a definite and final acceptance of the American proposals.

Considerable time was now devoted to subsidiary and collateral matters.<sup>47</sup> The Spanish commissioners attempted unsuccessfully to have inserted articles permitting all Spanish subjects residing in the islands to retain Spanish citizenship, binding the United States to recognize the validity of existing contracts for the construction of public works, for the return of the privately-owned bonds and moneys which had been paid into the public treasury as security for the performance of such contracts, for the investigation of the Maine disaster by a commission, and for the assumption by the United States of certain pensions which Spain had always paid to the descendants of Columbus.

The nationality article proposed by the Spaniards could not be accepted, as it would have allowed the natives of the Philippines, including the uncivilized tribes, to create for themselves a nationality other than the one in control of the territory. The article with reference to the recognition of certain contracts was rejected because the nature and obligation of the contracts were unknown. It was conceded that if an investigation showed that the contracts were valid the obligations imposed by international law upon the successor in sovereignty would fall upon the United States. As to the bonds held as security for the performance of contracts, it was said that nothing was further from the intention of the United States government than to keep from the lawful owner such sums as come under its control, and that they

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<sup>47</sup> *Sen. Doc. 62*, pp. 258, 261.

would be restored after the fulfilment of the contracts or obligations for which they were security. The United States had no intention to confiscate private property.

The Americans declined to enter upon any consideration of the question of the destruction of the battleship *Maine*, and closed their final communication by expressing their sense of the thoroughness, learning, ability and uniform courtesy with which the Spanish commissioners had conducted the negotiations. This compliment was about all the devoted Spaniards secured to carry back to Madrid.

The treaty was not signed until December 10, 1898. By its terms Spain relinquished all claim of sovereignty over and title to Cuba, and ceded to the United States the Philippine Islands, Porto Rico and other islands under Spanish sovereignty in the West Indies, and the island of Guam in the Ladrones. The United States agreed during its occupancy of Cuba, but no longer, to assume and discharge all obligations which under international law resulted from such occupation, to pay to Spain the sum of twenty million dollars within three months after the exchange of ratifications of the treaty, to send back to Spain at its own cost and expense soldiers taken as prisoners of war at Manila,<sup>48</sup> and to restore to them their arms.

It was agreed that all stands of colors, uncaptured war vessels, small arms, guns of every caliber with their carriages and accessories, powder, ammunition, and live stock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam should remain the property of Spain. Pieces of ordnance, exclusive of artillery in the fortifications and coast defenses, should remain in their emplacements for the term of six months from the ratifications of the treaty, the United States reserving the right in the meantime to purchase the same from Spain.

Spain agreed at once to release all prisoners of war and all

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<sup>48</sup> The United States obligated itself to convey to Spain only such Spanish soldiers as were actually prisoners of war. Troops which were under arms and under control of the Spanish authorities were not included. 22 Opp. Atty.-Gen., 383 (1899).

persons detained or imprisoned for political offenses in connection with the insurrection in the Philippines during the war with the United States. The United States agreed to obtain the release of all Spanish prisoners held by the insurgents in Cuba and the Philippines. Each government at its own expense was to return all released prisoners of war to their homes. All claims for indemnity, national and individual, against either government were mutually released, but the United States agreed to adjudicate and settle the claims of its citizens against Spain.

It was declared that the relinquishment or cession of the designated islands and the buildings, forts, barracks, structures, public highways, and other immovable property which belonged to the Crown of Spain, should not be held in any respect to impair the property or rights which by law belonged to the peaceful possession of property of all kinds, of provinces, municipalities,<sup>49</sup> public or private establishments, ecclesiastical or civil bodies,<sup>50</sup> or of any other associations having legal capacity to acquire and possess property in the renounced and ceded territory, or of private individuals of whatsoever nationality.<sup>51</sup>

The Spaniards residing in the ceded or relinquished territory were to be subject to the same law and entitled to the same rights and privileges before the courts as citizens of the country. Careful provision was made for the determination of the proceedings then pending before the judicial tribunals. Judgments rendered before the exchange of the ratifications of the treaty, in the cases in which under the Spanish law there was no right of review,

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<sup>49</sup> Public property belonging to the city of Manila did not pass to the United States. It remained the property of the municipality. *Vilas v. Manila* (1911), 220 U. S. 345.

<sup>50</sup> The Roman Catholic Church in Porto Rico was held to be a legal personality within this provision. *Ponce v. Roman Catholic Apostolic Church* (1908), 210 U. S. 296. The Roman Catholic Church in the Philippines is a legal personality with power to hold property acquired by gift. *Santos v. Holy Roman Catholic Church*, 212 U. S. 463.

<sup>51</sup> An hereditary franchise granted by the Spanish Crown and appurtenant to the office of mayor of Havana, giving the exclusive right of slaughtering cattle in the city of Havana was held to constitute private property within the protection of this provision of the treaty. *O'Reilly de Camera v. Brooke*, 135 Fed. Rep. 384. But it did not include the office of Solicitor of the Court of First Instance which had been purchased in perpetuity. *Alvarez v. Sanchez*, 216 U. S. 167.

were to be final. Civil actions which were pending and not determined at the time of such exchange of ratifications would continue to judgment in the same court, or in the court which might be substituted therefor.

Criminal actions pending on the date of the exchange of ratifications before the Supreme Court of Spain against citizens of the territory which by the treaty ceased to be Spanish should continue under the jurisdiction of that court until final judgment, but the execution of the judgment rendered therein should be committed to the authorities of the place where the case arose.

All copyrights and patents which had been acquired by Spaniards in the ceded territory should be respected.<sup>52</sup> Spanish scientific, literary and artistic work not subversive of public order in the territories in question were to be admitted free for a period of ten years, and during the same time Spanish merchant vessels and merchandise should be admitted into all ports of the Philippines on the same terms and conditions as ships and merchandise of the United States. This privilege proved of little value to Spain, as the United States permitted the ships and merchandise of all nations to enter on the same terms.

There was also a rather superfluous provision, to the effect that the inhabitants of the lost territories should be secured in the free exercise of their religion.

Spanish subjects, natives of the Peninsula residing in the territory over which Spain relinquished her sovereignty, might remain or remove therefrom, retaining in either event all their property rights, with the right to carry on their industry, commerce and professions, subject to the laws applicable to other foreigners. If they remained in the territory they might preserve their allegiance to the Crown of Spain by making before a court of record within a year from the exchange of ratifications of the treaty, a declaration of their decision to preserve

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<sup>52</sup> The validity of such rights were to be determined by Spanish law. 22 Opp. Atty.-Gen. 617 (1899).

such allegiance.<sup>53</sup> In default of such declaration, they should be held to have renounced it and to have adopted the nationality of the territory in which they resided. The civil rights and political status of the native inhabitants of the territories ceded by the United States were to be determined by the Congress of the United States.<sup>54</sup>

It was subsequently discovered that Spain owned certain islands which were not within the boundary lines drawn in the treaty which were thus left derelict and useless to Spain. Under a treaty signed at Washington, November 7, 1900, and ratified January 23, 1901, it was agreed that in consideration of the payment of one hundred thousand dollars all islands belonging to the Philippine Archipelago lying outside of such lines, particularly the islands of Cagayan Sulu and Sibutu and their dependencies, should be included in the cession.<sup>55</sup>

Such was the Treaty of Paris, which was supposed to mark the close of an era of the world's history. As the result of a war into which the fatuous Madrid government allowed itself to drift, the old Spain ceased to exist. Thereafter what remained was a different Spain. As said by an European critic, it was Spain's misfortune and fault "that her extraordinary mismanagement of Cuba brought her into conflict with the United States, whose politicians had little regard for the conventions of European diplomacy and no particular reverence for the *status quo*. For whatever mistakes she may have made at this crisis, Spain has paid the penalty to the full."<sup>56</sup>

<sup>53</sup> By a subsequent protocol signed at Washington on March 29, 1900, the time was extended for six months from April 11, 1900.

<sup>54</sup> It was the intention of the framers of the treaty to leave Congress a free hand to deal with the islands. *Dorr v. U. S.* (1904), 195 U. S. 138.

The Filipinos did not become citizens of the United States. Congress, by Act of July 1, 1902, as amended by Act March 23, 1912, authorized the Philippine Legislature to provide for the acquisition of citizenship by certain natives who did not come within the terms of the treaty. The act makes all inhabitants of the islands on April 11, 1899, including Spanish subjects who did not elect to retain their Spanish allegiance, citizens of the Philippines. *Roga v. Col. of Customs*, 22 Ph. Rep. 332. *Fed. Stat. Ann. Sup.* 1914, p. 310.

<sup>55</sup> *Fed. Stat., Ann.*, VII, p. 818; *For. Rel.*, 1900, p. 887.

<sup>56</sup> *The London Times*, Dec. 12, 1898.

## CHAPTER XIV

### The Policy of Expansion and the Anti-Imperialists

Some Generalities—First Impressions—McKinley's Original Views—Publicists and Literary Men—Their Arguments Ineffective—A Question of National Policy—Instincts of the People—Natural Desire for Growth—Decision Rested With McKinley—The Anti-Imperialists—Nature of Their Opposition—Sentiment in Continental Europe—British Feeling—Kipling's Appeal—Opposition at First Negative—The Policy of "Walk Alone"—Senator Hoar's Suggestion for a Convention of Nations—The World Power Idea, Altruism and Commercialism—Not Originally a Party Issue—Mr. Bryan's Responsibility—Ratification of the Treaty—Future Policy Left Undetermined.

It is difficult to ascertain the causes of a war. It is impossible to anticipate its consequences. Some simple or dramatic incident serves as a spark and lights a magazine in which the troubles of an era have accumulated. A battleship, while in a friendly port, is blown up; an ancient colonial empire crumbles and a modern republic is deflected into new courses. An irritated Bey strikes a French ambassador with a fan, Algiers is occupied, and in the course of a few years France finds herself charged with the cares of a colonial empire. A company of traders on the far side of the world bring about conditions which force England, against her will, to assume the burden of governing the millions of India. Certain bondholders so involve her in the entangling meshes of Egyptian affairs that thereafter all the struggles and writhings of her statesmen serve only to draw tighter her bonds. Even the Romans were not intentionally the conquerors of the world.<sup>1</sup> Verily, as McKinley said, the march of events rules and overrules

<sup>1</sup> "Events have generally evolved themselves so that a contest has arisen out of comparatively insignificant causes, such as a border line or a commercial right of way, and the conqueror by his mere victory has been obliged to enlarge the boundaries of his country. Even the Romans were not intentionally the conquerors of the world." Delbrück, *Contemporary Review*, Oct., 1909.

human actions. The incidental becomes the principle, the temporary the permanent, and the world bows its head in acquiescence before *au fait accompli*. More than twenty centuries ago Thucydides remarked that war was the last thing in the world to go according to program. We speak of the purposes of a war and propose to confine and limit its results. But when the flood-gates of war are once opened man seems able to do but little more than run for a time along the shore and watch the torrent as it breaks new channels and spreads into the most unexpected places. "I claim not to have controlled events," said Lincoln, "but confess plainly that events have controlled me. Now at the end of three years' struggle the nation's condition is not what either party or any man desired or expected." The world is never the same after as before a war. "A stricken field," says Lord Salisbury, "is one of the stages upon the road of history, and the state of things that existed before that stricken field can not be the same as that which exists afterward."<sup>2</sup> It is not surprising that the Spanish-American War created unexpected conditions and new problems for solution.

The great question whether the United States should take the Philippines from Spain and assume the burden of governing and developing an alien people was seriously and even acrimoniously discussed almost from the day of Dewey's victory. It is probably true that in the beginning a majority of the thoughtful men in the country instinctively shrank from the adoption of a national policy which seemed so remote from anything in the past history of the country.

Doctor Schurman relates that when he was offered the presidency of the first Philippine Commission by President McKinley, he replied, "To be plain, Mr. President, I am opposed to your Philippine policy. I never wanted the Philippines." "Oh," replied the president, "that need not trouble you; I did not want the Philippines either, and in the protocol to the treaty I kept myself free not to take them, but in the end there was no alternative."

<sup>2</sup> *The Times*, Nov. 11, 1898.

To the suggestion that, after reserving suitable naval stations, the islands should be left in the possession of Spain, the president replied that the American people who had gone to war for the emancipation of Cuba would not after Dewey's victory in Manila Bay consent to leave the Filipinos any longer under the dominion of Spain, and that if Spain were driven out and American sovereignty not set up, the peace of the world would be endangered.<sup>3</sup>

When a few months later the president asked Judge Taft to become the president of the second Philippine Commission, it is said that he was met with substantially the same reply that he had received from Doctor Schurman.

Many distinguished scholars, educators, statesmen, publicists, literary men, poets and philosophers, were saddened by what seemed to them the proposed abandonment of the primary principles upon which the nation had been founded. Some of the arguments which these men advanced against the policy of expansion seemed unanswerable, and yet they were not effective. The speeches delivered by Senator Hoar in the Senate won the respect and admiration of the entire country, but convinced no one who was not already of the same way of thinking. The powerful addresses of Carl Schurz, Moorfield Storey and others were equally admirable and equally unconvulsive. It is possible that they were pitched on too high a key and that the speakers neglected the appeal to certain very human traits. The wise man who tells the people of their incapacity generally has a silent audience, while he who flatters is certain of applause.

The extremists predicted that the new policy would lead to glory ineffable or disaster dire and dreadful. The optimists found in it inspiration and encouragement. But the pessimists questioned the source of the inspiration and drew an inference from the incident recorded in the fourth chapter of the Gospel according to St. Matthew: "The devil taketh him up into an exceeding high mountain, and sheweth him all the kingdoms of

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<sup>3</sup> Schurman, *Philippine Affairs*, p. 2. See Olcott's *Life of William McKinley*, I, Chap. IX, p. 175.



the world, and the glory of them; And saith unto him, All these things will I give thee, if thou wilt fall down and worship me."

The arguments on both sides were often carried to such extremes as to seem absurd and hysterical. An emotional patriot sobbing over what he thought was the grave of the Declaration of Independence irresistibly reminded the common man of Mark Twain weeping at the grave of Adam. And the harrowing pictures painted by the expansionists of the confusion and the awful results generally which would follow the withdrawal of American troops, were also overdrawn. "What do you suppose the Filipinos would do," dramatically asked Mr. Choate, "if we should withdraw the American troops?" "Well," drawled Speaker Reed, "I don't suppose they would pursue us farther than San Francisco." Unemotional people were reasonably certain that the United States would continue to prosper under either policy.

It was, after all, merely a question of national policy. Neither national life nor liberty was involved. The people were untrammelled by any precedent or principle which forbade them to acquire and hold dependencies, and they took no stock in the assertion that they, the descendants of successful colonists, were incompetent to develop colonies or govern dependencies, or in the theory that the reaction from the attempt would ruin the home country. They knew instinctively the meaning of their political maxims and realized the implied limitation upon the general statements that all men are created free and equal and that government should rest on the consent of the governed. Every reasonably well-informed person knew that the natives of California, Louisiana, Florida, New Mexico and Alaska had not been asked whether they desired to become citizens or subjects of the United States, and that the people of the southern states had, against their will and by force of arms, been compelled to remain within the Union and continue to hear the Declaration of Independence read on each recurring Fourth of July. They realized, also, that in the United States, as elsewhere, there had always been a wide divergence between the precepts of political

philosophy and the practise of politicians. Their histories told them that the leading statesmen of the East, from Daniel Webster and Josiah Quincy to Senator Hoar and his associates, had opposed the territorial expansion of the United States, and the extension of her boundaries west of the Mississippi, as strenuously as they now opposed its extension beyond the Pacific. In fact, the desire for expansion, for bigness, for new lands to develop was a race inheritance. It existed before the Constitution was adopted, and it exists to-day. Democracies are usually aggressive and sometimes intolerant. The American democracy is, and from its birth has been, one of the aggressive nations of the earth. Its territorial expansion has been one of the marvels of the age. It has recognized no line of sea, river or mountain as a permanent boundary. By the end of the nineteenth century the idea of contiguous and non-contiguous territory had become little more than a mere verbal collocation. Facilities for rapid communication had destroyed all such limitations. All the world was contiguous to a farmer's section of land.

With expansion has always gone some form of colonization. When in contact, a higher generally absorbs or destroys a lower civilization. The Germans would reduce this dangerous lesson of history to a natural law. Mommsen says:<sup>4</sup>

"By virtue of the law, that a people which has grown into a state absorbs its neighbors who are in political nonage, and a civilized people absorbs its neighbors who are in intellectual nonage—by virtue of this law, which is as universally valid and as much a law of nature as the law of gravity, the ancient Italian nation . . . was entitled to reduce to subjection the Greek states of the East which were ripe for destruction, and to dispossess the people of lower grades of culture in the West . . . by means of its settlers; just so England, with equal right, has in Asia reduced to subjection a civilization of rival standing but

<sup>4</sup>*History of Rome*, V, Chap. 8.

Of course the impulse to obey a natural law need not be selfish. If it is a natural law it must in the end operate for the good of humanity. Nature is constantly sacrificing the individual for the benefit of the race. According to Professor Frank's interpretation of the history of Roman expansion, it was not unlike that of America—forced upon the state by considerations neither selfish nor commercial.

Frank, *Roman Imperialism* (1904).

politically impotent, and in America and Australia has marked and ennobled, and still continues to mark and ennoble extensive barbarian countries with the impress of its nationality. . . . It is the imperishable glory of the Roman democracy or monarchy—for the two coincide—to have correctly apprehended and vigorously realized this, its highest destination.”

It is a simple observable fact that virile nations are and always have been colonizing nations, and non-expanding and non-colonizing nations generally fall out of the race. Whether it pleases us or not, these things are regulated by some law which the optimist must believe makes for the uplifting of the human race. As said by the writer of an interesting article in *The Spectator*<sup>5</sup>

“The great races, when the hour of opportunity arrives, expand greatly—that is all we really know; and what, when the momentum is on them, they have to care about is to see that their actions, for which they are only half responsible, benefit the world.”

With such nations as England, France, Germany, Japan and Italy actively working outward, seeking new worlds to conquer and new fields for the exercise of the superabundant activities of their people, it ought not to have been expected that the American people would be content with the policy of ingrowing development.

No American statesman ever had a keener sense for detecting the currents and drifts of public opinion than President McKinley. What the people really desired he seems to have wanted them to have, regardless of his own private views as to what was best for them.

Under the pressure of public opinion the president had been forced into the war with Spain against his better judgment. Thereafter, however, until the treaty of peace was signed he controlled men and events with a firm hand. Some of the most drastic provisions of the treaty of peace were inserted, under the orders of the president, against the judgment of

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<sup>5</sup> Jan. 14, 1899. Of course when the lines of expansion meet it becomes merely a question of strength.

at least a part of the commission. His was the wisdom of Polonius: "Beware of entrance into quarrel; but being in, bear it, that the opposer may beware of thee." George W. Smalley gives Whitelaw Reid the credit for determining McKinley's Philippine policy for him.<sup>6</sup> Mr. Reid, while a member of the Peace Commission, was certainly very influential, and his intimate knowledge of diplomatic affairs enabled him, at a critical stage of the negotiations, to plant a fertile suggestion in the mind of the Spanish ambassador at Paris. But Smalley's account of events is quite inaccurate and his assertions are not sustained by the correspondence that passed between Washington and the Peace Commission. President McKinley, on vital matters, such as the Cuban and Philippine debts and the claim of conquest, showed a persistence and determination which are quite inconsistent with the popular but erroneous idea of his character.<sup>7</sup>

After availing himself of every means of information he reached the conclusion that a large majority of the people favored retaining the Philippines, and subsequent events proved that he was correct. They were not averse to acquiring additional territory, whether contiguous or non-contiguous, if it seemed the proper thing to do and for the probable political and commercial advantage of the United States. They had not, indeed, contemplated the invasion of the Far East. The idea of absorbing an archipelago, of which the greater number possibly had never even heard, required consideration. The proposal that they should become responsible for the government of another alien race induced a perceptible hesitancy. After a tour through the Western States the president returned to Washington, convinced that he would be supported in demanding the cession of the entire group of islands.<sup>8</sup> At this stage of the controversy

<sup>6</sup> Smalley, *Anglo-American Memories*, 2nd Series, p. 191.

<sup>7</sup> See Olcott's *Life of William McKinley*, II, Chap. XXVIII.

<sup>8</sup> Senator Hoar wrote: "I dare say that he was influenced as any other man who was not more than human would have been influenced by the apparently earnest desire of the American people, as he understood it, as it was conveyed to him on his Western journey. But I believe every step he took he thought necessary at the time. . . . The feeling of the country was deeply excited. President McKinley made his famous Western journey. He was greeted by enthusiastic throngs. The feeling in that part of the

the situation was within his control. The people were willing to accept his judgment. The peace commissioners at Paris were divided. Had President McKinley directed the commission not to demand the cession of the Philippines, the American people would have acquiesced, probably with a sigh of relief. He had the power to choose, and his choice was subsequently ratified by the people.

Mr. Taft in a public address once said that the United States blundered into colonization.<sup>9</sup> It is a common view, but entirely erroneous. What was done was done deliberately. If it was a blunder, it was a deliberate blunder adopted after the fullest consideration. Those who opposed the policy of expansion organized under the name of Anti-Imperialists and characterized their opponents as Imperialists. As a term of reproach, the word imperialist was not a very disparaging one. The great majority of the nation which successfully governs more than a fifth of the population of the world bear it proudly as a term of honor. Whether intended as a term of honor or reproach depends, of course, upon what it connotes to the person who uses it. It pertains to empire, something which may be very noble, or very much otherwise. Chief Justice Marshall referred to "the empire of the United States." Thomas Jefferson, from his retirement, wrote to Madison that "no constitution was ever before so well calculated as ours for extensive empire and self-government."<sup>10</sup> W. H. Stead wrote of the "ministry of empire," and declared its "essence to be not lordship, but service." It is true, as said by a recent English writer,<sup>11</sup> that there is a debased and mock imperialism which walks in jackboots and works to the sound of kettledrums, but there is also another and finer imperialism

country in favor of permanent dominion over the Philippine Islands was uttered by excited crowds, whom he addressed from the platform and the railroad cars as he passed through the country. But the sober, conservative feeling which seldom finds utterance in such assembly did not make itself heard." *Autobiography*, II, p. 311.

<sup>9</sup> *Geographical Magazine*, Aug., 1905.

<sup>10</sup> Reid, *One Welchman*, p. 43.

<sup>11</sup> Fraser, *Lord Curzon in India and After*, p. 456. For a statement of the faith of a "sound but reasonable Imperialist," see Lord Cromer's paper on the "Government of Subject Races," in *The Edinburgh Review*, June, 1908; Cromer's *Pol. and Lit. Essays*, p. 3.

which has for its object the creation of great nations upon firm foundations, the uplifting of myriads to a happier and nobler level, the spread of justice and liberty, and the evolution of a higher manhood. And such, regardless of the errors and mistakes which are incident to all great undertakings, America's "imperial" work in the Orient, if such it be called, has proved to be.

Empire and democracy are not necessarily antagonistic. The most advanced democracies in the world, such as New Zealand, nestle within the protecting arms of the greatest of empires.

"The world," says Professor Giddings,<sup>12</sup> "has been accustomed to think of democracy and empire as antagonistic phenomena. It has assumed that democracy could be established only on the ruins of empire, and that the establishment of empire necessarily means the overthrow of liberty by a triumphant reign of absolutism. Yet in our day, we are witnessing the simultaneous development of both democracy and empire. The two most powerful nations of the world are becoming, year by year, more democratic in their local life, in their general legislation, and in their social institutions. Nevertheless, for a generation, both have been continually extending their territorial boundaries, absorbing outlying states or colonial possessions, and developing a complicated system of general or imperial administrations. Not only so, but, under that government which has carried this policy to its highest perfection, the coexistence of democracy and empire has become an approximately perfect blend."

The work of the Anti-Imperialist League during the early part of the controversy was commendable. It supplied the organized opposition essential for the proper discussion and consideration of an important question of national policy. It fought great battles in the Senate, through the press and on the platform. No more patriotic body of citizens were ever banded together in the support of a cause. But after the insurrection in the islands began, the impartial historian will find but little to commend in the course pursued by the organization, or at least by

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<sup>12</sup> Giddings, *Democracy and Empire*, p. 1; and see Frank's *Roman Imperialism*, Chap. 6 (*Rome as an Imperial Democracy*), pp. 88-110.

some of its most active members. The warfare which was carried on after the political battle had been lost much resembled that which prevailed in the Philippines after Aguinaldo had been driven into the mountains—it was of the guerrilla variety, designed merely to annoy.

The acquisition by the United States of territory in the Far East was regarded with much disfavor by the nations of continental Europe. Russia and Germany in particular resented what was assumed to be the entry of a new and aggressive western power into world affairs. Officially the conduct of these governments may have been strictly correct and friendly to us, but the weight of public sentiment was thrown in favor of Spain and against the policy of American expansion.

The continental press was loud in its protests against the acquisition of territory by America in the Orient. To the editors of the anti-republican journals it seemed exceedingly sad that the great republic should fall away from its ideals. Incidentally they surmised that events might strengthen a power which would stand in the way of their advances in Manchuria and China. Writing on the assumed decay of Anglo-Saxondom, M. de Pressence noted that “in the United States we see the intoxications of the strong wine of warlike glory carrying a great democracy off its feet and raising the threatened specter of militarism.”

In England the extremists, of whom Wilfred Blunt and Kier Hardie were leading exemplars, the men who have always opposed their own country's policy in India and Egypt, naturally sympathized with the Anti-Imperialists. The erratic Mr. Labouchere wrote pungently and interestingly in *Truth* of what he called the affiliation of English and American jingoes.<sup>13</sup>

<sup>13</sup> *Truth*, July 7, 1898. *Truth*, Jan. 5, 1899, sent the following New Year's greeting to Uncle Sam. While not much as poetry, it is worth something as a prophecy:

“We wish you much joy of the islands  
Which you have so easily won.  
But the troublesome part of the business  
Has only, we fear, just begun.  
You will prove how extremely ungrateful  
Your new fellow subjects can be,  
Compelling you even to shoot them  
Before they consent to be free.

But the *Times* and its constituency and responsible English statesmen generally were friendly to the expansion policy upon which the United States was entering. The work ahead of America appealed to the instinct of those Englishmen who generally assume that the lower races have been provided by Providence as material upon which to exercise their special talents for government.<sup>14</sup> If they were not themselves to govern the Philippines, they preferred that the duty should fall upon Americans. Mr. Smalley tells of a conversation with Lord Kitchener, who, like many Americans, thought that the Filipinos were causing an unreasonable amount of trouble. He attempted to explain the situation by stating that America was inexperienced in colonial work. Lord Kitchener replied, "I should like to govern them for you," and it was evident, adds Mr. Smalley, that while the remark was not serious, he would like "to have taken on a job of that kind, had it been possible." Later in Egypt he dealt successfully with similar problems.

The controversy inspired one poem which made a strong appeal to the conscience and sense of obligation of the American people. A great English poet, idealizing the imperial vocation, stripped it of the tinsel and glitter by which its enemies and some of its friends are accustomed to ornament it, and revealed it as

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You will certainly find yourself bothered  
At first in your much enlarged sphere,  
But nations that go on the warpath  
Can not hope for a Happy New Year."

<sup>14</sup> Thus in an address delivered April 30, 1914, Sir George Reid said: "Let us consider what being a Britisher means. It means belonging to the only race capable of managing the affairs of every other race and creed." *United Empire*, V (N. S.), p. 481. This assumption by the British of omnipotence in colonial matters, however well justified by history, is sometimes a little trying to the people who have been less favored by Providence.

A blockade-running English skipper, who was in Philippine waters during the war, published a book in which he suggested, that, in view of America's experience with negroes and England's natural qualifications for governing Eastern people, the Philippines should be exchanged for Jamaica. Ross, *Sixty Years' Life and Adventure in the Far East* (1911). A more practical plan was that suggested by Congressman Bede, that America should relieve herself from the Philippine troubles and at the same time preserve the protective principle by exchanging the Philippines for Ireland and then raise her own policemen.



a necessary but thankless task to be performed by the white race under the restraints of conscience.<sup>15</sup>

In winged words which circled the earth in a day and by repetition became hackneyed within a week, Kipling appealed to America to

"Take up the White Man's burden—  
Send forth the best ye breed—  
Go bind your sons to exile  
To serve your captives' need;  
To wait in heavy harness,  
On fluttering folk and wild—  
Your new-caught sullen peoples  
Half devil and half child.

"Take up the White Man's burden,  
And reap his old reward:  
The blame of those ye better  
The hate of those ye guard.

"Take up the White Man's Burden,  
Have done with childish days—  
The lightly proffered laurel,  
The easy, ungrudged praise.  
Come now, to search your manhood,  
Through all the thankless years,  
Cold, edged with dear-bought wisdom,  
The judgment of your peers."<sup>16</sup>

This stirring appeal did much to make real and definite the sense of responsibility which had been vague and inarticulate and to crystallize public sentiment in the United States.<sup>17</sup>

<sup>15</sup> W. H. Stead in *Eng. Rev. of Rev.*, March, 1899.

<sup>16</sup> First published in *McClure's Magazine*.

<sup>17</sup> Of course, Kipling's suggestion of the relative value of white and brown people was offensive to those whose minds were constantly "groping in the ethics of a more expansive humanity." A recent Indian writer says: "The 'White Man's Burden' aroused a storm of bitter criticism and howling appreciation. Within a few days of its publication journalists on the staff of country periodicals with a reputation for verse, amateur poets, poetasters, and would-be poetasters had written replies, imitations, and parodies in rhythmic foot. Even Labouchere wrote a reply. The poem was a stirring success. . . . Kipling achieved more. Not only did he invent an excuse, he founded an inspiring war note. He filled the young blood with the germ of a complicated disease . . . an empire-building fever. Kipling made himself immortal." Mr. A. R. Sarath-Roy in *N. A. Rev.*, Feb., 1914, p. 279.

The weakness of the opposition to the policy of expansion lay in the fact that it was nothing but obstruction. America was already in the Philippines, and the problem was whether ingloriously to scuttle away or remain at least until the Filipinos could put the house in order for their own housekeeping. It was a situation in which inaction by the United States was impossible.

The Anti-Imperialist leaders soon realized that a policy of negation could not win. Charles Francis Adams wrote to Carl Schurz: <sup>18</sup> "Whenever we criticize the policy up to this time pursued, we are met with an inquiry as to what we have to oppose to it, we are invited to stop finding fault with others, and to propose some feasible alternative policy ourselves. . . . It is, in my judgment, useless to attempt to carry on the discussion merely in a negative form. As opponents of an inchoate policy we must, in place of what we object to, propose something positive, or we must abandon the field." The alternative, according to Mr. Adams, was the old policy of "hands off" and "walk alone," which the United States, it was alleged, had pursued "with such signal success" toward Mexico, Hayti and Venezuela, countries whose people were "equally unfit for self-government."

The results of that policy in those countries when compared with the work of the British in Egypt and the Straits Settlements can hardly be called brilliant. The Anti-Imperialists finally settled upon the plan of an independent Philippine Republic either under the protection of the United States, or of the Powers generally through some form of neutralization.

But this proposed solution of future difficulties did not solve the immediate problems, and its possible ultimate adoption was not in the least inconsistent with the course which was being at the time pursued by the administration. Senator Hoar favored calling a convention of the nations and asking a joint guarantee of autonomy and good government; a singular suggestion indeed

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Kipling may have much to answer for, but it is rather too much to charge him with responsibility for creating the germ of the disease of empire building.

<sup>18</sup> See Adam's pamphlet, *Imperialism* (1899).

from a statesman who aided in preventing the ratification of the Congo treaty of 1878.

The opponents of the administration policy advanced three propositions, either of which if accepted would require the United States to withdraw from the Philippines and leave the natives free to erect such a government as to them seemed most desirable. Their principal contentions were :

(1) That the United States, having reached its natural boundaries, should be content with its present size and devote its energy to the solution of problems connected with its internal welfare and development.

(2) If, however, additional territory was to be acquired, it should be such only as in the course of time could be created into new states of the Union. This meant, in the words of Grover Cleveland, that "the government of remote and alien peoples should have no permanent place in the purposes of our national life." It meant the permanent exclusion of the United States from the work of developing the tropics, which Mr. Kidd in his remarkable book<sup>19</sup> predicted would be the most important work of the twentieth century.

(3) Should neither of the foregoing principles be adopted, the Philippines should nevertheless be abandoned, because (a) the United States was pledged to acquire no territory by the war, (b) the Filipinos had been, by implication, promised their independence and were fully capable of self-government, and (c) to impose American sovereignty upon the islands under such conditions would be to violate the principles which had hitherto guided the national life and deny the ideals which had made the Republic honored throughout the world. It was also asserted that the islands would prove a financial burden, that the American system was not adapted to governing colonies, and that Americans, being without experience in such work, would prove unequal to the task.<sup>20</sup>

<sup>19</sup> *The Control of the Tropics* (1899).

<sup>20</sup> The arguments will be found in Jordan's *Imperial Democracy*; Randolph, *The Law and Policy of Annexation* (1901); Hoar, *Autobiography*, II, Chap. 33; Adam's *Imperialism and the Tracks of Our Ancestors*

The reply was that the country was dealing with conditions and not theories; that the situation had not been voluntarily created; that out of the war had come unexpected duties and obligations which could not honorably be shirked; that having destroyed the power of Spain in the islands, the United States could not, consistent with its duty to foreign residents as well as to natives, abandon them to disorder or anarchy; that the Filipinos had never been promised independence; that they were without experience in self-government and incapable of establishing a government which would be able to maintain law and order and protect the lives of foreigners; that such a condition would be a temptation to predatory powers and a threat to the peace of the world; that the title to the islands under the treaty with Spain was perfect in morals and in law, and that it was the solemn duty of the United States to assume the government in a spirit of devotion and self-sacrifice for the good of the natives and of humanity in general.

America, it was said, had always been a colonizing nation, the policy of expansion was not new, and while the administration of a distant dependency would present new problems, they would not be unsolvable. It was conceded that the islands must be governed for the benefit of the natives and that possibly they would for many years constitute a burden upon the United States. Until the natives were educated and trained for self-government their future should be left undetermined. It was generally implied, however, that when they should be capable of self-government they would be given the right to determine whether to remain under the American flag or set up a government of their own.<sup>21</sup>

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(1898); Speeches by Carl Schurz at Conference on the Foreign Policy of the United States, Chicago, Aug. 18, 1898; Univ. of Chicago, July 4, 1899; Philadelphia, Apr. 7, 1899; Cooper Union, New York, May 24, 1900. Hugo Munsterberg (*The Americans*, 1902) gives a very good summary of the arguments for and against holding the Philippines.

The fear that the Philippines would be made a state of the Union was soon dissipated. The history of the short-lived Filipino Federal party showed that the natives as well as the Anti-Imperialists were opposed to it.

<sup>21</sup> *Messages and Speeches* of President McKinley, Olcott's *Life of McKinley* (1916), Reid's *Problems of Expansion* (1900), Coleridge *The United States as a World Power* (1908), Speeches of Lodge, Spooner and Foraker in *Congressional Records* from 1899 to 1902.

Three special facts—pride in a suddenly realized sense of international importance, altruism and commercialism—operated in different degrees and upon different types of mind in inducing the American people to favor the policy of expansion. The people for the first time realized what had long been an established fact, that the United States was one of the great powers of the world.<sup>22</sup> The effect which the acquisition of the Philippines would have upon the future international policy of the United States was greatly exaggerated. As a matter of fact, it bound her to no necessary change of national policy. Her abstention from participation in European politics from the first had been voluntary, not compulsory. The explanation is found in the simple fact that her interests were elsewhere. But she had always been recognized as a member of the family of nations and had been invited to send representatives to nearly all the international congresses which had met in Europe during the preceding century.

The United States has always been active diplomatically in the Orient, where her policy has been of a peaceful and commercial character. While abstaining from interference in Europe, Africa and the Levant, she has from the first asserted equality with European powers in the extreme Orient. The implied limitation on her activities which were supposed to result from the Monroe doctrine has never been held to apply in the Far East. American diplomats, from Burlingame to Foster, have exerted great influence in the domestic and foreign affairs of China. Ward, a Yankee from Salem, organized, and until his death, led the "Ever Victorious Army," which for the time saved the Manchu dynasty and later brought fame to Gordon. Commodore Perry opened Japan to the world and started the country on its spectacular course. In fact, the policy of the United States in that part of the world, although peaceful, had been rather aggressive.<sup>23</sup> It was now assumed that the acquisition of important

<sup>22</sup> Dr. A. B. Hart, *Harper's Mag.*, Feby., 1899.

<sup>23</sup> See generally, Foster's *American Diplomacy in the Orient* (1903);

territory in the East would induce the United States to enter even more actively into the politics of that part of the world.

There was no apparent reason why the ownership of these islands should require the United States to accept invitations to conferences dealing with purely European affairs such as she had previously declined. But the world agreed in assuming that America was entering upon a new era of her history, and to a certain extent such was the fact. It was assumed that she was now full grown, and Dewey's battle in Manila Bay was regarded as a sort of national coming-out party. Henceforth Columbia was to be considered in society. While the conservatives shrank from the assumption of the new responsibilities which would result from the policy of expansion, such things had no terrors for the average uncloistered citizen who was, in fact, very willing to get down into the dust of the arena and battle for the world's prizes.

The importance of the economic factor in the policy of expansion must not be underestimated. Nations no less than individuals are interested in dollars. Statesmen could not be indifferent to the commercial possibilities of the situation, and they were disposed to give them due consideration. It was a time when trade expansion was much discussed at home. In an address as Chairman of the Republican National Convention which renominated President McKinley, Senator Henry Cabot Lodge said: "We make no hypocritical pretense of being interested in the Philippines *solely* on account of others. We believe in trade expansion." There were also many who felt that some of the most revered of our political maxims had outlived their usefulness and that commercialism had become the directing and controlling force in international affairs.<sup>24</sup>

Soon after the Spanish fleet was destroyed measures were taken to ascertain the real and potential wealth of the Philip-

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Morse, *Int. Rel. of the Chinese Empire* (1910); Conant, *The United States in the Orient*, p. 156 *et seq.*; *American Foreign Policy. By a Diplomat*, Chap. 5.

<sup>24</sup> See article by F. A. Vanderlip in *Century Magazine*, August, 1898, also in *Senate Doc. 62*, p. 563.

pires. An expert was detailed to report upon the financial and industrial conditions and a geologist, charged with the duty of investigating the mineral resources, accompanied the first expedition to Manila.<sup>25</sup>

Nevertheless, the altruistic factors of the situation were those which controlled. Had investigation shown that the islands were commercially and economically useless, it is improbable that the McKinley administration would have pursued any course other than that which was adopted. The president could not be made to believe that, after having destroyed the power of Spain and overthrown the existing government, the United States could, consistent with its obligations to foreign residents and the natives, withdraw the troops and leave the country to "stew in its own juice." It was largely on these grounds that the American people sustained the administration policy. They felt that, like the Cubans, the Filipinos were entitled to receive some benefit from the destruction of Spanish power. Just how it was to come about they were not then able to say, but they were certain that to abandon the natives to their own devices at that stage of the proceedings would be to inflict upon them an irreparable wrong.<sup>26</sup>

It was not until after the treaty was ratified that the policy of expansion became a party issue. While many members of the Democratic party were affiliated with the so-called Anti-Imperialists, others, and those not the least influential, gave active as well as passive support to the administration measures. When the treaty was before the Senate party lines were loosely drawn. Senator Hoar, one of the old-time leaders of the Republican party, led the opposition to ratification, while Senator Gray, who as a member of the Peace Commission had opposed the

<sup>25</sup> *Senate Doc. 62*, pp. 513-518.

<sup>26</sup> One distinguished publicist, writing before the capture of Manila and when American dealings with the Filipinos had not extended beyond furnishing Aguinaldo and a few companions with free transportation from Hong Kong, giving him some arms, and putting him ashore with the advice to "get his army going," wrote, "We do not intend to *hand the people of the Philippines back* to the Spaniards, and our sense of decency and respect for the enlightened opinion of mankind will not permit us to abandon them." *Rev. of Rev.*, July, 1898.

acquisition of the islands, spoke and voted in favor of ratification. But for the votes of democratic senators the treaty would have been defeated. It rested with Mr. W. J. Bryan, who had been the Democratic candidate for the presidency in the preceding election, to determine the issue. How his influence was exerted is thus told by Senator Hoar: "Mr. Bryan, in the height of the contest, came to Washington for the express purpose of urging upon his followers that it was best to support the treaty, end the war, and let the question of what should be done with our conquest be settled in the coming campaign. He urged upon them, as I was told by several Democrats at the time who did not take his advice, that the Democratic party could not hope to win a victory on the financial questions at stake, as they had been beaten on them in a time of adversity; and that they must have this issue for the coming campaign. He was besought by his wiser political associates to go away and leave the Senate to settle the matter. But he remained. After that it became impossible not only to defeat the treaty, but to defeat the policy which had inspired it."<sup>27</sup>

According to Senator Hoar, the Democratic party, at least in the early days of the controversy, were not earnestly and seriously opposed to the acquisition of the Philippines. They never wielded their party strength in opposition to it. The leaders supported the administration in enacting the legislation necessary to suppress the insurrection which followed the ratification of the treaty.<sup>28</sup> "I do not mean to imply," says Senator Hoar, "that a large number of the Democratic party, both in public life and out of it, were not sincere and zealous in their objection to this wretched business. But next to a very few men who controlled the policy of the Republican party in this matter, Mr.

<sup>27</sup> *Autobiography*, II, p. 322.

<sup>28</sup> In the *Washington Post* of February 6, 1899, Sen. Bacon is quoted as saying: "I will cheerfully vote all the money that may be necessary to carry on the war in the Philippines, but I still maintain that we could have avoided a conflict with those people had the Senate adopted my resolution or a similar resolution announcing our honest intentions with regard to the Philippines."



Bryan and his followers who voted in the Senate for the treaty, are responsible for the results."<sup>29</sup>

On February 10, 1899, a few days after the attack by the Filipinos upon the American troops, the treaty was ratified by a vote of fifty-seven to twenty-seven. Three Democratic senators, who had been understood to be in opposition, voted in the affirmative and saved the treaty.<sup>30</sup>

Mr. Bryan and his followers thus consented to the acquisition of the Philippines by the United States. As conditions then were it was the proper thing for them to do. They could very properly support the treaty and yet oppose the permanent retention of the islands. But on the questions of the propriety or morality of the acquisition it was incumbent on them thereafter to maintain silence.

On the motion of one of the Democratic senators who had voted for ratification, the Senate, by a majority vote only, then passed a resolution similar to the one which previously had been offered by Senator Bacon, declaring that the ratification of the treaty was not to be deemed a determination that the United States would permanently hold the islands. This was merely

<sup>29</sup> *Autobiography*, II, p. 323.

In a letter to the author dated November 9, 1915, Mr. Bryan says: "Senator Hoar's criticism of my position is unjust. He looks at the matter from the standpoint of a Republican, I from the standpoint of a Democrat. The situation was this: It might have been possible to defeat the ratification of the treaty, but it was *impossible to instruct* the commission and, of course, it was not proper according to the theory of our institutions that a minority should dictate to the majority how the treaty should be made. . . . The Democratic party, however, was to furnish the bulk of the votes to defeat the treaty and our party would have had to bear the responsibility for anything that might have happened as a result of the rejection of the treaty. . . . Then, too, a great pressure was being brought to bear upon the government by parents to get their boys out of the army, the actual fighting being over, and this blame, too, would have been thrown upon the Democratic party, the few Republicans being unable to commit their party or fasten the responsibility upon it. . . . My advice was to ratify the treaty and at the same time promise independence by resolution. . . . As the leader of the Democratic party I was interested in having it pursue a course which would give it the largest possibility of doing good with the least risk of being held responsible for things which it could not prevent." In the light of this statement, it is difficult to see wherein Senator Hoar's criticism is unjust.

<sup>30</sup> *Senate Journal*, 55 Cong., 3d Sess., p. 216; 40 Republicans, 10 Democrats, 3 Populists, 2 Silverites and 2 Independents voted for ratification, and 22 Democrats, 3 Republicans and 2 Populists voted against it. *Sen. Doc. 182*, 57 Cong., 1st Sess.

a formal expression of the sentiments of individual senators. The resolution was never presented to the House of Representatives, and it had no legal force.<sup>81</sup>

In Spain the treaty encountered even greater opposition than in the United States. The Cortes refused to ratify it, and on March 19 the queen regent, in the exercise of a constitutional alternative power, ratified it in her own name. The ratifications were exchanged on April 11, 1899, and on that date the Spanish-American War came legally to an end and the sovereignty of the United States over the Philippine Archipelago became an established fact. Thereafter the question was as to the manner of governing the people and the ultimate disposition of the country. After the lapse of nearly two decades it is clear that the fears of the Anti-Imperialists were groundless. The United States has not become embroiled in the affairs of Europe; neither has it become wedded to militarism, nor have the principles of the fathers suffered to any appreciable extent. The *Pax Americana* envelopes the Philippine Archipelago and the natives enjoy a civil and political liberty and a general material prosperity such as they never before experienced.

<sup>81</sup> *Cong. Rec.*, Vol. XXXII, pt. 2, Feb. 14, 1899, pp. 1845-7; The Diamond Rings, 183 U. S. Rep. 176. Brown, J.

The rejection of the treaty would have placed the country in a serious situation. "The President," said Senator Lodge, "can not be sent back across the Atlantic in the person of his Commissioners, hat in hand to say to Spain, with bated breath, 'I am here in obedience to the mandate of a minority of one-third of the Senate to tell you that we have been too victorious, and that you have yielded us too much, and that I am sorry that I took the Philippines from you.' I do not think that any American President would do that, or that any American would wish him to." Olcott's *Life of William McKinley*, II, p. 138.

## CHAPTER XV

### The Diplomacy of the Consulates

#### EARLY RELATIONS WITH THE INSURGENTS

Charges of Bad Faith—Consular Activities—Wildman's Relations with Hong Kong Junta—Forbidden to Discuss Policies—Aguinaldo at Singapore—The Pratt-Dewey Cables—No Reference to Independence—Aguinaldo at Hong Kong—Minutes of Meeting of Junta—Aguinaldo Meets Dewey—Is Assisted with Arms—Organizes Army and Government—Dewey's Statement—Proclaims Independence—Origin of the Promise Myth—Filipino Claims—Bray and St. Clair—Aguinaldo's Report to the Junta—Summary—Filipino Plans and Policies—American Policy Unknown—No Promise Made and No Bad Faith.

According to Carl Schurz and other radical Anti-Imperialists, America's early relations with the Filipino insurgents make "a story of deceit, false pretense and brutal treachery to friends without parallel in the history of republics."<sup>1</sup> The constant repetition of such charges has left a vague impression on the public mind that the government of the United States, President McKinley, President Roosevelt, Admiral Dewey and their subordinates in the Far East were guilty of acts of bad faith in their relations with the Filipino leaders and that there is a sort of moral cloud on our title to the Philippines.

Aguinaldo and his advisers claimed that the American government, through its authorized representatives, promised expressly and by implication, in return for his military cooperation, to assist in establishing an independent state in the Philippines. Their supporters in the United States have placed the stress on the implications said to result from a *de facto* alliance with the Filipino organization. The records of the American and Filipino governments and armies are now accessible and there is no

<sup>1</sup> Bancroft, *Reminiscences of Carl Schurz*, III, p. 446. See Chap. XVII, *infra*.

reason for any further misunderstanding as to what actually occurred. The facts are no longer in doubt.<sup>2</sup>

The early relations with Aguinaldo had more effect upon sentiment in the United States than upon the actual military conditions in the Philippines. The importance and extent of the assistance rendered the United States by the insurgents have been greatly exaggerated. They were merely such as were incidental to their own operations. Manila lay defenseless under the guns of the fleet. All Dewey needed was men to garrison it. The city would have fallen had there been no insurgents and the Spanish troops would have become prisoners of war whether they were in Manila or in the provinces.<sup>3</sup>

<sup>2</sup>The captured records of the insurgent government and army were deposited in the archives of the War Department at Washington. Captain (now Major) John R. M. Taylor was detailed to prepare an official history of the insurrection based upon these records. One volume of narrative and two supplementary volumes of documents were prepared by him and printed, but Mr. Taft, then secretary of war, after reading the proofs, decided that while the government was cultivating friendly relations with the Filipinos, it would be contrary to public policy to publish the record of their cruelties and treachery. The type was therefore thrown down. Two copies of the galley-proofs were preserved and deposited, one in the War Department at Washington, and the other in the Department of Commerce and Police at Manila. I have made use of the Manila copy in preparing this chapter, but the references are to the War Department records. Major Taylor's text is cited under his name, followed by the numbers of the proof sheets. The documents are cited as *Philippine Insurgent Records*, with the file number or the exhibit number in the matter prepared by Captain Taylor.

A pamphlet edited by Captain Taylor entitled *Telegraphic Correspondence of Emilio Aguinaldo, July 15, 1898, to November 28, 1899*, annotated, was published in 1903.

A few of the insurgent records were printed in Taylor's *Report on the Organization for the Administration of Civil Government Instituted by Emilio Aguinaldo and His followers* (Washington, 1903).

<sup>3</sup>For various opinions as to the value of the services rendered to the Americans by the Filipino army, see *Century Magazine* for May, 1899 (Gen. F. V. Greene); *Sen. Doc. 62*, p. 375 (Gen. Merritt).

Admiral Dewey in his testimony in 1902 was inclined to belittle the value of such services. In reply to questions he said: "I would like to say now, that Aguinaldo and his people were forced on me by Consul Pratt and Consul Williams. . . . I did not think they would do anything. I would not have taken them. I did not want them, I did not believe in them. . . . They were assisting us. . . . They were assisting us, but incidentally they were fighting their own enemies. . . . It was their own idea coming over there. We could have taken the city on any moment we had the troops to occupy it." *Sen. Doc. 25*, pp. 37-31.

In his proclamations to the people Aguinaldo generally claimed to have an alliance with the Americans but in his reply to Paterno's *Manifesto* in favor of an alliance with Spain instead of the United States, Aguinaldo said: "Remember, Señor Paterno, that we make war without the help of any one,

Although the Spanish "policy of attraction" was making some headway among the Tagalogs, the Filipinos generally were no more loyal to Spain than they had been before the pact of Biak-na-bató. The reforms which they had been told were to result from the banishment of their leaders had not materialized and in certain parts of the country the fires of revolt had again been lighted. But the leaders were discouraged and hopeless. It was inevitable that a declaration of war against Spain by the great Republic of the West, the traditional friend of the South American colonies and the champion of *Cuba Libre*, would revive the hopes of the insurgents. But Aguinaldo failed to grasp the situation and left Hong Kong at the time when it was most important for the Philippine leaders to be within reach of Manila.<sup>4</sup> What the insurgents could have accomplished without Aguinaldo is, of course, mere conjecture. Some inspiration came from the widely advertised claim that there was an "alliance" with the Americans. Without Aguinaldo, Luna the soldier, and Mabini the politician, might have organized a formidable movement against Spain, but the probabilities are that Aguinaldo was the only Filipino then capable of consolidating the factions. He showed no particular capacity as a general or as a constructive politician. Other men planned his campaigns, fought his battles, wrote his proclamations and organized his government. He was at that time only twenty-nine years old and almost pathetically

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not even the North Americans; but no! We have the help of God, who is eternally allied with great and just causes such as that which we defend against Spain, our own beloved *independence*." Paterno's *Manifesto* and Aguinaldo's reply are published in full in Foreman's *The Philippine Islands*, pp. 438-445 (1906). The insurgent newspaper, *La Independencia*, for November 22, 1899, concedes that "America has aided us indirectly by the blockade of Manila," but does not claim that the Filipinos had in any way assisted the United States.

<sup>4</sup> Major Taylor says (Taylor, I, 42, F.Z.): "In fact, Aguinaldo had no just conception of the conditions and opportunities which were about to open before the Hong Kong *junta* for, although war between Spain and the United States was imminent and the United States squadron was at Hong Kong threatening Manila, Aguinaldo was chiefly concerned in finding how to avoid losing the money which had been received from the Spanish Government as the price of his surrender. The importance of his presence near the Philippines in case of war did not occur to him or, if it did occur to him, anything which he could obtain there from the United States seemed for the moment of little consequence compared with escaping from his wrangling companions with enough money to live on in Paris."

ignorant of the world beyond the island of Luzon, where he had spent his life. He knew nothing of books and little of men and events beyond the islands. He was, nevertheless, a born leader of men. He was dignified, ambitious and personally honest, and nature had endowed him with those undefinable qualities which induced men of much greater ability and intelligence to accept his leadership. He and the members of the Hong Kong junta were the leaders of the movement for independence. Had they not been brought back to the islands the insurgents might have continued the contest against the Spaniards, but it is very doubtful whether there would have been a revolt against the United States, as the leadership would probably have fallen to more conservative men.

The initial responsibility for injecting Aguinaldo and the Hong Kong junta into American affairs rests with certain United States consular officials in the Far East. When the Spanish-American War began our commercial interests were represented at Manila by Oscar G. Williams, at the British port of Hong Kong by Rounceville Wildman and at Singapore in the Straits Settlements by E. Spencer Pratt. The position of American consul at Manila had been of slight importance. Williams, judged by his official correspondence, was a typical old-fashioned consul who wrote rhetorical despatches in which he did not always discriminate nicely between rumors and ascertained facts.<sup>5</sup> When the crisis came he performed his duties well and was commended by Admiral Dewey and the State Department. He was called to Hong Kong to report on the condition of the Spanish defenses and was thus enabled to return to Manila with the fleet

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<sup>5</sup> On August 5, 1898, Consul Williams wrote the State Department soliciting an appointment in the Philippines as either general commissioner of customs, general commissioner of agriculture, superintendent of public instruction, or lighthouse inspector.

"For many years," he wrote, "I have made a special study of tariff and economic questions; have translated the Philippine tariff, and so have a measure of fitness. Then I was reared a farmer and my business interests having always been along such lines, I have kept fully abreast of agricultural matters. I am a graduate of Cornell University and for about twenty years was a teacher, lecturer, and author." *Sen. Doc. 62, Part 1, 55 Cong., 3rd Sess.*, p. 332.

and observe the battle from the bridge of the *Olympia*. His relations with the Filipinos were friendly and sympathetic. He assumed from the first that the islands would be conquered and annexed to the United States and that the Filipinos would gladly accept such a solution of their difficulties. The desirability of securing the military cooperation of the insurgents was to him self-evident.<sup>6</sup>

Wildman, at Hong Kong, seems to have been fairly well qualified for his duties. He had lived among the Malays of the Straits Settlements and had some knowledge of Malay character. His sympathies were with the insurgents and he believed that they desired the annexation of the islands to the United States.

E. Spencer Pratt had been minister to Persia, but when he was selected for the post of consul at Singapore it is improbable that his qualifications for diplomacy were carefully investigated. He proved to be an ambitious busy-body who, by meddling with matters which were beyond the scope of his official duties, succeeded in putting his country in a false light before the world. Williams had slight opportunity to muddle things and so did fairly well. Wildman maintained improper relations with the Filipino exiles before the war and improperly assumed to control their actions after war was declared. Pratt was incompetent, had no sense of official propriety, misconceived the nature of his duties and was guilty of indiscreet acts and conduct which enabled the insurgents to claim with color of truth that he had entered into a formal agreement with Aguinaldo and that Dewey had approved it. He at least was

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<sup>6</sup> Mr. Williams to Mr. Day, May 12, 1898, *Sen. Doc. 62*, p. 327. On May 12 Williams wrote that from the naval battle "must come the acquisition of these islands, many times more extensive, more populous, and more valuable than Cuba." On June 16 he wrote, "I expect that on July 4 we will celebrate in Manila under the folds of Old Glory and write in living letters a page of history that this magnificent insular empire has become a part and parcel of the United States of America." On July 2 he expressed the ill-advised hope that 10,000 American workmen and artisans would during the year settle in the islands. On August 5 he wrote: "Presumably when Manila falls and the Philippines become a part of our national domain," etc. *Sen. Doc. 62*, pp. 330, 332.

typical of the men who were formerly appointed to positions in the consular service as rewards for political work on the general theory that if they did the country no good they could at least do it no harm when so far away from it. In this instance extraordinary conditions arose which called for the exercise of intelligent discretion and judgment.<sup>7</sup>

## I

The insurrection in the Philippines had not attracted much attention in the United States. When Commodore George Dewey at Nagasaki on June 2, 1897, assumed command of the Asiatic squadron, he was officially informed that, while the newspapers had occasionally referred to a revolution in the Philippines, no information had been received which suggested that American interests were likely to be affected.<sup>8</sup> But the attention of the State Department had, shortly before that time, been called to the existence of the insurgents through a remarkable letter from the United States consul at Hong-Kong.<sup>9</sup> The revolutionary government of 1896 had sent a young lawyer named Agoncillo to represent it abroad. While the negotiations between the Spanish governor-general and Aguinaldo which led to the pact of Biak-na-bató were in progress Agoncillo was in Hong Kong bearing a commission as foreign agent and high commissioner of the Philippine Republic. Consul Wildman was at that time in close communion with the group of Filipinos who were then living in Hong Kong as political exiles. On November 3, 1897, about six months before the declaration of war against Spain, he informed Washington that in view of a possible war between the United States and Spain Agoncillo had, on behalf of the Republic of the Philippines, offered to enter

<sup>7</sup> Certain letters written by Mr. Wildman to Aguinaldo during June and July, 1898, do not put the consul-general in a very favorable light. They were printed in connection with Buencamino's *Address to Congress*, August 20, 1899. *Cong. Rec.*, 57 Cong., 1st Sess., p. 6180.

<sup>8</sup> Dewey's *Autobiography*, p. 175. No American vessel had visited Manila for three years and the last official report relative to the islands was dated 1876. *Ibid.*, p. 175.

<sup>9</sup> Mr. Williams to Mr. Day, Nov. 3, 1897. *Sen. Doc.* 62, p. 333.



into an offensive and defensive alliance with the United States. Pending the execution of a formal treaty, he requested that the United States send to some port of the Philippines twenty thousand rifles and two hundred thousand rounds of ammunition, to be paid for when the United States recognized the independence of his government. As security, the high commissioner offered to pledge two provinces and the custom house at Manila. The price to be paid for the arms was of slight importance; he had no objection *to the United States making twenty-five or even thirty per cent. profit*. As Agoncillo had written his government, then at its last gasp at Biak-na-bató, that he had hopes of inducing the United States to supply the arms and was threatening to proceed to Washington "to conclude the proposed treaty," the consul thought it advisable to inform the Department of State of the nature of the offer. The naïveté of this proposition seems not to have struck the consul, as he communicated it with perfect seriousness to the Department. He was curtly directed to inform Agoncillo that the United States did not negotiate such treaties and to forward no more such communications. Notwithstanding this rebuff, Wildman continued to have close relations with the Filipino colony. After war was declared and while Aguinaldo was in Singapore consulting with Consul Pratt, he received a delegation from the insurgent junta who desired to return to Manila with the fleet, and pledged them to obey the orders of Dewey and observe the rules of civilized warfare. After consulting Consul Williams, Wildman, with the consent of Dewey, took two Filipinos to Mirs Bay and put them on board the *Olympia*.

Aguinaldo, who reached Hong Kong from Singapore on May 2, expressed to Wildman a desire to become a citizen of the United States, but, being informed that this was impossible, asked to be allowed to go to Manila and place himself under the orders of Dewey.<sup>10</sup> It was finally arranged that he should sail on the revenue cutter *McCulloch*, and Wildman outlined the proclamation which was subsequently issued from Cavite for-

<sup>10</sup> Taylor, *Phil. Insurg. Rec.*, 44, F. Z.

bidding pillage and making the abuse of neutrals a criminal offense.<sup>11</sup> Two months thereafter Wildman wrote to the State Department that, in view of the rumors that the United States on the conclusion of the war intended to return the islands to Spain, he desired to say that after years of experience with the thirty or forty Filipino leaders with whose fortunes he had been closely connected, he knew that they were "fighting for annexation to the United States firstly and for independence secondly, if the United States decides to decline the sovereignty of the Islands."<sup>12</sup>

The close association of the American consul with the Filipino junta naturally caused newspaper comment and on August 6 there came a cable from Washington disapproving statements which Wildman was reported by the *London Daily Mail* to have made to Aguinaldo, and forbidding him to make pledges or discuss questions of policy with the Filipino leaders. In reply he denied that he had made any pledges or discussed the policy of America with Aguinaldo further than to try to hold him to promises made before he left for Cavite. He and Consul Williams had taken the position that the insurgents were a necessary evil in the situation and that if Aguinaldo was placed in command Dewey and Merritt would have some one they could hold responsible for excesses. The other alternative was to allow the islands to be overrun by small bands bent on revenge and looting. They had made Aguinaldo no pledges and extracted from him but two promises, to obey unquestioningly the commander of the American forces and to conduct his warfare on civilized lines. He felt that he had taken Aguinaldo's measure, had some influence with him, and had used it for the benefit of the United States.

<sup>11</sup> Mr. Wildman to Mr. Moore, July 18, 1898. *Sen. Doc. 62*, p. 336.

<sup>12</sup> Mr. Williams to Mr. Day, July 18, 1898. *Sen. Doc. 62*, p. 336. In this despatch Wildman says that he was in Hong Kong in Sept., 1897, when Aguinaldo and his leaders arrived under contract with the Spanish government and that after waiting until November 1 for the payment of the promised money by Spain they lost faith in the promise and on November 3 Agoncillo came to him with the proposition transmitted to the Department in his despatch of November 3, 1897. *Supra*, p. 386. This is a mistake, as Aguinaldo and his companions did not sail from the Philippines until December 27, 1897.

He had no doubt but that Aguinaldo would like to be president of the Philippine Republic and that there might be a small coterie of his native advisers who entertained a like ambition. "But he was perfectly certain that the great majority of his followers and all the wealthy, educated Filipinos had but one desire, to become citizens of the United States of America."<sup>13</sup>

## II

Without occupation and denied access to the money which had been furnished by Spain for their support, it was inevitable that the exiled Filipinos should fall to quarreling among themselves. Aguinaldo was determined to conserve the funds for use in possible future military operations. He seems, however, to have become discouraged and disgusted with his companions, and after being made defendant in the lawsuit brought by Articho to compel a distribution of the money, he arranged for the modest support of the rest of the party, drew fifty thousand pesos from the bank and, under assumed names, engaged passage to Europe for himself, his aide, C. H. Del Pilar, and his secretary, J. M. Leyba. The party went first to Saigon in French Indo-China and from there to Singapore, where they arrived on April 22.<sup>14</sup>

<sup>13</sup> Mr. Wildman to Mr. Moore, August 9, 1898. *Sen. Doc. 62*, p. 338.

His admiration for the insurgent leaders expressed in the letter of July 8, had now somewhat abated. Aguinaldo had for some weeks been getting what Dewey called the "big head" and had been writing sulky and childish letters. "My correspondence with Aguinaldo has been strictly of a personal nature and I have missed no opportunity to remind him of his *ante bellum* promises. His letters are childish and he is far more interested in the kind of cane he will carry or the breast-plate he will wear than in the figure he will make in history. The demands that he and his junta here have made upon my time are excessive and most tiresome. He is a man of petty moods and I have repeatedly had letters from Consul Williams requesting me to write to Aguinaldo a friendly letter congratulating him on his success and reminding him of his obligations." *Sen. Doc. 62*, p. 339.

Under the Spanish government a cane was the badge of office and the law still prescribes the description of cane which certain officers may carry.

<sup>14</sup> Aguinaldo undoubtedly intended to go to Europe.

In an article in the *Singapore Free Press*, May 4, 1898, W. G. St. Clair, evidently upon information furnished by H. W. Bray, made the absurd statement that "the principal purpose of Aguinaldo's visit to Singapore was to consult other friends here, particularly Mr. Howard W. Bray, an old and intimate English friend and for fifteen years a resident of the Philippines, about the state of affairs in the islands, particularly as to the possibility of

Consul Pratt first learned of Aguinaldo from an Englishman named Howard W. Bray, who had formerly lived in the Philippines but was then in Singapore writing for the *Singapore Free Press*. Whether he had known Aguinaldo personally does not appear. He certainly knew of his relation to the insurrection and, sensing an opportunity which might be turned to his own advantage, Bray arranged to bring the American consul and the former insurrectionary leader together. Aguinaldo, with a letter of credit for twenty-five thousand dollars gold and a ticket to Europe in his pocket, seems not to have been very anxious to consult with Pratt. However, during the night of April 22-23 Pratt, Aguinaldo, Del Pilar, Leyba and a Filipino resident of Singapore named Doctor Marcelino Santos met secretly and talked over the situation. Pratt neither spoke nor understood Spanish and Aguinaldo was ignorant of English. Bray, who acted as interpreter, was active in the interests of the Filipinos, and subsequently received five thousand dollars from Aguinaldo as compensation for his services at Singapore and Hong-Kong.<sup>15</sup> It very satisfactorily appears from Bray's own correspondence that he was a man upon whose word no reliance could be placed. Sastron very justly observes that Bray "engineered the whole proceedings."<sup>16</sup>

After his first talk with Aguinaldo, Pratt cabled Commodore Dewey that if desired Aguinaldo would go to Hong Kong to arrange with him for the cooperation of the insurgents. Dewey, who was expecting orders to sail for Manila, replied, "Tell Aguinaldo to come as soon as possible." After receiving this cable Pratt had another interview with Aguinaldo, at which

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war between the United States and Spain and whether in such an event the United States would eventually recognize the independence of the Philippines provided he lent his cooperation to the Americans in the conquest of the country." Just what special knowledge of the possibility of war between the United States and Spain this stray English newspaper writer in Singapore had does not appear. The article was written a few days after Pratt and Aguinaldo had their interview, and was designed to magnify Mr. Bray.

<sup>15</sup> In 1902 Buencamino said (*Hearings, etc., Com. on Ins. Affrs.*, 1901-1903, p. 283) that the insurgent treasury was called upon to pay \$6,000 to satisfy a judgment for libel which Pratt had obtained against Bray at Singapore.

<sup>16</sup> *La Insurreccion en Filipinas*, pp. 415-419.

Leyba, Del Pilar and Bray were present, the latter again acting as interpreter. Immediately thereafter, on April 26, under assumed names, Aguinaldo and Leyba sailed for Hong Kong on the British steamer *Malacca*.<sup>17</sup>

On the following day Pratt reported to the secretary of state that Aguinaldo had at his instance gone to Hong Kong *to arrange for the cooperation of the insurgents with Dewey*. On the twenty-eighth he wrote, stating that after learning from Aguinaldo the object sought to be obtained by the insurrectionary movement, he had taken it upon himself, while explaining that he "had no authority to speak for the government, to point out the danger of continuing independent action at this stage, and having convinced him of the expediency of cooperating with our fleet then at Hong Kong, and obtained the assurance of his willingness to proceed further and confer with Commodore Dewey to that end, should the latter so desire," he sent the cablegram to the commodore.

Appraising highly what he had done, Mr. Pratt added:

"I think that in arranging for his direct cooperation with the commander of our forces I have prevented possible conflict of action and facilitated the work of occupying and administering the Philippines."<sup>18</sup>

Pratt certainly realized that Aguinaldo was thinking of independence, but from this correspondence it is clear that Pratt was not then conscious that he had promised that the United States would assist Aguinaldo in establishing an independent government. There is no reference to independence in either of his letters to the Department or in the two telegrams, and there were but two, which passed between Pratt and Dewey, nor does Pratt appear even to have discussed the conditions upon which the anticipated cooperation should be carried out. That was left for Dewey and Aguinaldo to arrange.

<sup>17</sup> Mr. Pratt to Mr. Day, April 28, 1898. *Sen. Doc. 62*, p. 341.

<sup>18</sup> Mr. Pratt to Mr. Day, April 28, 1898. *Sen. Doc. 62*, p. 342.

On April 30 Pratt wrote describing his final interview with Aguinaldo. After stating that he urged upon Aguinaldo the necessity of preventing the Filipino forces from committing excesses and was told that once in the field he "would be perfectly able to lead them as our commander should direct," Pratt wrote:<sup>19</sup>

"The general further stated that he hoped the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance. *These questions I told him I had no authority to discuss.*"

On June 2 Pratt wrote again, calling attention to the report that Aguinaldo had been well received in the Philippines and expressing surprise that his "cooperation had not been secured during the months General Aguinaldo remained awaiting events in Hong Kong." It will be noted that these letters were written by Pratt before any question had been raised as to the propriety of his dealings with Aguinaldo and while he was under the pleasant illusion that he had rendered an important service to his country, for which he would be commended and rewarded. It is inconceivable that the letter of April 30 could have been written had the correspondence between Pratt and Dewey, as was subsequently claimed, contained any reference to the independence of the Philippines.

Pratt attempted to keep his dealings with Aguinaldo secret, but Bray, who was connected with the *Singapore Free Press* and was working with St. Clair, its editor, to further the interests of the Filipino leaders, prepared an article describing the inter-

<sup>19</sup> Mr. Pratt to Mr. Day, April 30, 1898. *Sen. Doc. 62*, p. 342.

In an article in *Collier's Weekly*, April 13, 1901, Pratt said, "From the way he expressed himself, however, I realized that he already had in mind an independent government in the Philippines and only feared lest the United States should abandon the islands before such a government could be established."

This article, written after the capture of Aguinaldo, shows strong prejudice in favor of the insurgents. On April 7, 1913, Mr. Pratt wrote to President Wilson that "it was on the assumption that we only contemplated a temporary occupation of their country, that the Filipinos entered into cooperation with us." *MSS.*, War Dept.

view which appeared in that paper on May 4, 1898. Pratt sent a copy of the paper to Washington with the statement that it was substantially correct, notwithstanding "a certain amount of conjecture has been indulged in as regards my action in the matter and that of the Commodore."<sup>20</sup>

On June 7 a Singapore paper copied an article entitled "The Fate of the Philippines" from the *London Spectator*, in which the writer expressed the hope that the United States would retain the Philippines and join Great Britain in the work of governing the tropics. The suggestion that the islands could be garrisoned by negro troops with white officers and easily made self-supporting brought a vigorous reply from Bray, who ridiculed the idea that the Filipinos would ever consent to have negro troops quartered in their country and asserted that the only possible solution of the question was an independent government under the protection of the United States. "This," he wrote, "is the policy I recommended General Aguinaldo and his compatriots to accept."<sup>21</sup> Pratt forwarded copies of these articles to the secretary of state with the comment that Bray's opinion was deserving of special consideration.

These letters and cables created a feeling of uneasiness at Washington and Pratt was directed by cable to "avoid unauthorized negotiations with Philippine insurgents," and in reply stated that he had no intention to negotiate with them but had left that to Commodore Dewey. Pratt now anxiously awaited the Department's opinion of his course, scarcely believing that, as he wrote the secretary, "in view of the motives which prompted it and the excellent results which have ensued, that it can be altogether disapproved."<sup>22</sup>

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<sup>20</sup> "Though the facts are, in the main, correctly given, the dates are not quite accurate and a certain amount of conjecture has been indulged in as regards my action in the matter and that of the Commodore." Mr. Pratt to Mr. Day, May 5, 1898. *Sen. Doc. 62*, p. 343.

<sup>21</sup> See *Sen. Doc. 62*, pp. 348-350, for the two articles.

<sup>22</sup> On July 28, after receiving Secretary Day's despatch of June 16, Pratt wrote: "I beg to repeat that . . . I declined even to discuss with General Aguinaldo the question of the future policy of the United States with regard to the Philippines, that I held out no hopes to him of any kind, committed the Government in no way whatever, and, in the course of our confidences,

June 16, immediately after sending the cablegram, Secretary Day wrote to Pratt stating his understanding of what had been done and noting particularly that the consul had informed Aguinaldo *that he had no authority to speak for the United States*. While waiting for the promised full report, the secretary assumed that the consul had not attempted

“to commit this government to any alliance with the Philippine insurgents. To obtain the unconditional personal assistance of General Aguinaldo in the expedition to Manila was proper, if in so doing he was not induced to form hopes which it might not be practicable to gratify. This government has known the Philippine insurgents only as discontented and rebellious subjects of Spain and is not acquainted with their purposes. While their contest with that power has been a matter of public notoriety, they have neither asked nor received from this government any recognition. The United States in entering upon the occupation of the Islands as the result of its military operations in that quarter will do so in the exercise of the right which the state of war confers, and will expect from the inhabitants, without regard to their former attitude toward the Spanish Government, that obedience which will be lawfully due from them. If in the course of your conferences with General Aguinaldo you acted upon the assumption that this government would cooperate with him for the furtherance of any plan of his own, or that, in accepting his cooperation it would consider itself pledged to recognize any political claims which he may put forward, your action was unauthorized and can not be approved.”<sup>23</sup>

Unfortunately, before the ominous cable of June 16 had put Pratt on his guard he had been guilty of an act of folly which was destined to close his career as a representative of the State Department. He had been the object of a serenade by a Filipino band and had made a speech in French to an audience which understood only Spanish, Tagalog or English. On June 8, 1898,

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never acted upon the assumption that the Government would cooperate with him—General Aguinaldo—for the furtherance of any plan of his own, nor that, in accepting his said cooperation, it would consider itself pledged to recognize any political claims which he might put forward.” *Sen. Doc. 62, p. 358.*

<sup>23</sup> Mr. Day to Mr. Pratt, June 16, 1898. *Sen. Doc. 62, p. 354.*



certain Filipino residents in Singapore—described by their spokesman, Doctor Santos, as “thirty or more Filipinos, nine of the higher class, fifteen musicians, and the remainder of the middle class,”—assembled before the consular residence and “after a little quiet music” Doctor Santos read an address to the consul which expressed the “eternal gratitude” of the Filipinos for the moral and material protection which Admiral Dewey had extended to General Aguinaldo and their thanks to the consul “for having been the first to cultivate relations with General Aguinaldo and arrange for his cooperation with Admiral Dewey, thus supporting our aspirations.”

The address stated that:

“Our countrymen at home and those of us residing here . . . hope that the United States, your nation, persevering in its humane policy, will efficaciously second the program arranged between you, sir, and General Aguinaldo, in the port of Singapore and secure to us our independence under the protection of the United States.”<sup>24</sup>

Pratt’s formal reply contained complimentary words for the Filipinos and the expressions of appreciation proper for such an interesting occasion, *but made no reference to Santos’ implication that there had been an arrangement between the consul and Aguinaldo by which the United States would support the insurgents in their struggle for independence.* After enthusiastic *vivas* for the president of the United States, Admiral Dewey, Consul Pratt, General Aguinaldo and the Filipino peo-

<sup>24</sup> The reports of the serenade and English translation of the speeches from the *Singapore Free Press* and the *Straits Times* are printed in *Sen Doc.* 62, pp. 351-353.

Dr. Santos immediately forwarded copies of the speech and an account of the incident to Aguinaldo. It would seem that the serenade was not unexpected. “On the invitation of Mr. Bray,” says Santos, “we ascended. He (Mr. Pratt) received us in his private office and it was imposing to see that the only decoration was the American flag which covered the desk, and in the center a carved wooden frame *holding the portrait of our worthy chief.* After the speech there was enthusiastic applause for the consul. He offered us all cigars, glasses of very fine sherry, and lemonade for the musicians and the majority.” *Phil. Insurg. Recs.*, 516, 4.

ple, and the presentation by Pratt to Santos of an American flag<sup>25</sup> and more music by the band, the ceremony terminated.

If Mr. Pratt had possessed the slightest knowledge of Filipino customs he would have regarded the incident as of trifling importance. But his vanity led him to regard it as a great political event. The local papers published glowing accounts of the honor which had been paid the American representative and Pratt forwarded clippings to the secretary of state with the suggestion that they should be given out to the American press. But the state department declined to cause the article from the *Straits Times* entitled "Mr. Spencer Pratt's Serenade," to be published in the American press. Secretary Day wrote:<sup>26</sup>

"The address presented to you by the twenty-five or thirty Filipinos who gathered about the consulate discloses an understanding on their part that the object of Admiral Dewey was to support the cause of General Aguinaldo and that the ultimate object of our action is to secure the independence of the Philippines under the protection of the United States.

"Your address does not repel this implication and it moreover represents that General Aguinaldo was 'sought out by you' whereas it had been the understanding of the Department that you received him only upon the request of a British subject named Bray who formerly lived in the Philippines. Your further reference to Aguinaldo as 'the man for the occasion' and to your 'bringing about' the 'arrangement' between 'General Aguinaldo and Admiral Dewey which has resulted so happily' also represents the matter in a light which causes apprehension lest your action may have laid the ground of future misunderstandings and complications.

"For these reasons the Department has not caused the article

<sup>25</sup> The Filipinos always wrote their confidential letters in Tagalog. Maj. Taylor (*Phil. Insurg. Recs.*, 406, 7) says: "In a letter written in Tagalog to Aguinaldo on June 8 by Santos, he described the American Consul-General as having cried out, 'Hurrah for General Aguinaldo, hurrah for the Republic of the Philippines,' and then, having apparently taken several drinks, he passed up and down the room waving the American flag before giving it to the assembled Filipinos."

In Santos' version of Pratt's speech he is made to say that he personally was not entitled to thanks as he had only faithfully followed the instructions from his government.

<sup>26</sup> Mr. Day to Mr. Pratt, July 20, 1898. *Sen. Doc. 62*, p. 356.

to be given to the press lest it might seem thereby to lend a sanction to views, the expression of which it had not authorized."

On August 2 the Department informed Mr. Pratt that it noted with pleasure that he was not having and did not propose to have any further dealings with the Philippine insurgents.

### III

But as St. Clair wrote to Bray, "The vital thing, and nothing else counts, is what Dewey said and did when he at last met Aguinaldo. That is the thing, all else is empty wind."

What Admiral Dewey, General Aguinaldo and General Anderson *did* is easily ascertained. But what did they *say*?

Dewey asked Aguinaldo to come to Hong Kong, but before he arrived there the fleet sailed for Manila. With the admiral's consent the *McCulloch* carried Aguinaldo and thirteen of his companions to Cavite where they arrived nearly three weeks after the Spanish fleet had been destroyed. Dewey was able to take Manila at any time, but had no troops with which to garrison it. After an interview aboard the *Olympia*, Dewey told Aguinaldo to go ashore and organize his army and gave him some guns and ammunition with which to equip it. He soon had twenty-five or thirty thousand men and was so successful in fighting the Spaniards that they were driven within the outer defenses of Manila. With success Aguinaldo's sense of importance expanded and he proceeded to organize a government as well as an army. On May 24, he announced himself as dictator<sup>27</sup> and on July 18 proclaimed a form of dictatorial government, which on July 23 was succeeded by the Revolutionary Government with a paper organization of executive, congress and courts.<sup>28</sup> In a proclamation of July 25 he announced that

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<sup>27</sup> "I again assume command of all the troops in the struggle for the attainment of our lofty aspirations, inaugurating a dictatorial government to be administered by decrees promulgated under my sole responsibility" until a regular government can be established.

<sup>28</sup> For the proclamations of June 18 and June 23, and "message to foreign powers" of June 23, see *Sen. Doc. 62*, pp. 432-437. Also see Capt. Taylor's

the Filipinos no longer limited themselves "to asking for assimilation with the political constitution of Spain, but ask for complete separation and strive for independence, completely assured that the time has come when they can and ought to govern themselves."

By June 30, 1898, when General Anderson arrived with troops, the insurgents had become confident and were determined to fight the Americans if necessary to maintain their new government. From that time the objects of the Americans and Filipinos were conflicting and friction was inevitable.

The controversy centers about what was said by Admiral Dewey and General Aguinaldo at their first interview on the *Olympia*.<sup>29</sup>

During the hearing on Philippine affairs<sup>30</sup> before a Committee of the Senate, Admiral Dewey gave an interesting account of his relations with the Filipino leaders:

"I should think," said he, "that about a month before leaving Hong Kong, that is, about the first of April, when it became pretty certain that there was to be war with Spain, I heard that there were a number of Filipinos in the city of Hong Kong who were anxious to accompany the squadron to Manila in case we went over. I saw these men two or three times myself. They seemed to be all very young, earnest boys. I did not attach much importance to what they said or to themselves. Finally before we left Hong Kong for Mirs Bay I received a telegram from Consul-General Pratt at Singapore saying that Aguinaldo was there and anxious to see me. I said to him, 'All right, tell him to come on,' but I attached so little importance to Aguinaldo that I did not wait for him. He did not arrive and we sailed for Mirs Bay without any Filipinos."

Dewey did not take the Hong Kong Filipinos very seriously:

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*Report on the Organization for the Administration of Civil Government by Emilio Aguinaldo* (1903), pp. 19-31.

<sup>29</sup> Admiral Dewey informs me that some Filipino acted as interpreter and that members of his staff were present. All the Americans who were present, except the admiral, are dead.

<sup>30</sup> June 26, 1902, *Sen. Doc. 331, 57 Cong., 1st Sess., Part 3; Sen. Doc. 62, p. 356.*

"They were bothering me," he said. "I was very busy getting my squadron ready for battle, and these little men were coming on board my ship at Hong Kong and taking a good deal of my time, and I did not attach the slightest importance to anything they could do, and they did nothing; that is, none of them were with me when I went to Mirs Bay. There had been a good deal of talk, but when the time came they did not go. One of them didn't go because *he didn't have any tooth brush.*"

Such an excuse naturally left a bad impression on the mind of the American commander, who was not familiar with Malay reasons and evasions.<sup>31</sup>

Dewey's first official reference to Aguinaldo was in a despatch of May 20, in which he informed the Navy Department that the insurgent leader had been brought down from Hong Kong and was engaged in organizing a force of natives which might render valuable assistance. He was immediately cautioned that it was "desirable as far as possible and consistent for your success and safety, not to have political alliances with the insurgents or any faction in the islands that would incur liability to maintain their cause in the future." Commodore Dewey replied on June 3, assuring the Department that he had acted from the beginning in the spirit of these instructions and had "entered into no alliance with the insurgents or with any faction."<sup>32</sup>

Dewey's account of his first meeting with the Filipino general shows the patronizing attitude which he assumed. Aguinaldo was not received with any special honors.<sup>33</sup>

"Aguinaldo came to see me. I said, 'Well now, go ashore there, we have got our forces at the arsenal at Cavite. Go ashore

<sup>31</sup> See also, Dewey, *Autobiography*, pp. 245-247.

<sup>32</sup> Dewey added: "This squadron can reduce the defenses of Manila at any time, but it is considered useless until the arrival of sufficient United States forces to retain possession." *Rept. Bureau of Navigation*, 1898, p. 103. In this despatch Dewey stated that in his opinion the Filipinos were more capable of self-government than the Cubans, but he stated later that he thought neither was capable. *Sen. Doc. 331, 57 Cong., 1st Sess.*, p. 2983; *Autobiography*, Appendix E.

<sup>33</sup> See Admiral Dewey's testimony, *Con. Rec., Vol. XXV, 57th Cong., 1st Sess.*, pp. 2928 *et seq.*

and start your army.' He came back in the course of a few hours and said, 'I want to go to Japan.' I said, 'Don't give it up, Don Emilio.' I wanted his help, you know. He did not sleep ashore that night. He slept on the ship. The next morning he went on shore, still within my lines, and began recruiting men."

In order to aid him to "start his army" Aguinaldo was given a few guns and allowed to help himself from the arms which had been captured at Cavite. Apparently that was the extent of the active assistance rendered him.<sup>34</sup>

As to the wishes of the natives, Dewey testified, "They wanted to get rid of the Spaniards; I do not think they looked much beyond that." He did not know what the future policy of the government would be, and simply used his best judgment. The first that Dewey heard of independence in the Philippines was when Aguinaldo issued his proclamation of June 15.

"I attached so little importance to this proclamation that I did not even cable its contents to Washington, but forwarded it through the mails. I never dreamed that they wanted independence. . . . I was," he says, "waiting for troops to arrive, and felt sure the Filipinos could not take Manila, and I thought that the closer they invested the city the easier it would be when our troops arrived to march in. The Filipinos were our friends assisting us; they were doing our work."

Up to the time the army arrived Aguinaldo did everything that Dewey requested. "He was most obedient; whatever I told him to do he did. I saw him almost daily."

Having been instructed to report fully any conferences, relations, or cooperations, military or otherwise, which he had had with Aguinaldo, the admiral on June 27, summarized the situ-

<sup>34</sup> Dewey (*Autobiography*, p. 247) says: "Aside from permitting him to establish himself ashore, the only aid rendered him was a gift of some Mauser rifles and an old smooth-bore gun that had been abandoned by the Spanish. He mounted the gun on a float, but I declined to grant his request that our launches tow it across the bay. In short, my policy was to avoid any entangling alliance with the insurgents, while I appreciated that pending the arrival of our troops they might be of service in clearing the long neck of land that stretches out from Cavite Peninsula to the environs of Manila."

ation to that date in the following language to which what has been quoted will serve as comment.

"Aguinaldo," cabled Dewey,<sup>35</sup> "insurgent leader, with thirteen of his staff arrived May 19, by permission on *Nanshan* [*McCulloch*]. Established self Cavite, outside arsenal, under the protection of our guns, and organized his army. I have had several conferences with him, generally of a personal nature. Consistently I have refrained from assisting him in any way with the forces under my command, and on several occasions I have declined requests that I should do so, telling him the squadron could not act until the arrival of the United States troops. . . . Aguinaldo has acted independently of the squadron, but has kept me advised of his progress. . . . My relations with him are cordial, but I am not in his confidence. The United States has not been bound in any way to assist the insurgents by any act or promises, and he is not to my knowledge committed to assist us."

To the Schurman Commission he gave the following written statement:<sup>36</sup>

"I never directly nor indirectly promised the Filipinos independence. I never received Aguinaldo with military honors or recognized or saluted the so-called Filipino flag. I never considered him an ally, although I did make use of him and his natives to assist me in my operations against the Spaniards."

After the arrival of General Anderson with the first expedition Admiral Dewey had very little to do with Aguinaldo. His relations with him had been pleasant because there had been no occasion to antagonize him. After the arrival of the army the relations with the insurgents changed for the worse.

In the meantime while Dewey was waiting for the arrival of the troops, Consul Williams was exercising his diplomatic powers upon Aguinaldo and his associates. On May 12 he was confident that the Filipinos hoped that the United States or Great Britain

<sup>35</sup> *Autobiography*, Appendix E, p. 312.

<sup>36</sup> *Rept Phil. (Schurman) Com.*, 1900, I, p. 121. See also his letter to Senator H. C. Lodge, *Cong. Rec.*, 56th Cong., 1st Sess., p. 1329.

would acquire the islands. "Officers and cabinet ministers of the Philippine Republic" had visited him and expressed their desire to swear allegiance to America. He reported that when he and the British consul visited Cavite they moved for over a mile through a shouting crowd, anxious to shake the hand of the representatives of the great American Republic. He believed that it would be easy to organize a civil government which would be gratefully accepted by the people.<sup>37</sup> On May twenty-fourth he informed the secretary of state that Filipino officers had visited him during the darkness of the night to inform him and the fleet of their operations. Aguinaldo executed a power of attorney before him under which the money in the Hong Kong bank was made available for the purchase of arms. At Aguinaldo's headquarters he saw soldiers enlisting and was informed that almost thirty-seven thousand insurgents were ready to join the American forces.<sup>38</sup> He was endeavoring to maintain harmonious relations with the insurgents in order to be able to exercise greater influence when "we reorganize the government."<sup>39</sup> He declined an invitation to attend a council that on June 12 organized a provisional government and was commended for his good judgment by the department.<sup>40</sup> He reported that the insurgents had organized a form of government but that "Aguinaldo told me to-day that his friends all hoped that the Philippines would be held as a colony of the United States of America."<sup>41</sup> Immediately after his arrival General Anderson, according to Williams, asked the latter "to treat with General Aguinaldo as to American interests."<sup>42</sup>

About a month after Anderson arrived Williams wrote that "for ultimate objects" he had made it his study to keep in pleasant relations with the insurgents.

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<sup>37</sup> "Few United States troops will be needed for conquest, and fewer still to occupy." Mr. Williams to Mr. Day, May 12, 1898. *Sen. Doc. 62*, p. 327.

<sup>38</sup> Mr. Williams to Mr. Day, May 24, 1898. *Sen. Doc. 62*, p. 328.

<sup>39</sup> *Ibid.*, June 16, 1898. *Sen. Doc. 62*, p. 329.

<sup>40</sup> Mr. Cridler to Mr. Williams, August 4, 1898. *Sen. Doc. 62*, p. 330.

"Your course while maintaining amicable relations with the insurgents in abstaining from any participation in their so-called provisional government is approved."

<sup>41</sup> Mr. Williams to Mr. Day, June 16, 1898. *Sen. Doc. 62*, p. 329.

<sup>42</sup> Mr. Williams to Mr. Day, July 2, 1898. *Sen. Doc. 62*, p. 330.



"My argument with General Aguinaldo has been," he wrote, "that the conditions of government by the United States in the Philippines would be vastly better for him and his people in honor, advancement, and profits than could exist under any plan fixed by himself and Filipinos. I have traversed the entire ground of government with him in council, and he has called his officials from fifteen provinces to meet me for their discussion, all stated as friendly but unofficial on my part. Our relations are cordial while certain antagonisms have arisen between the General and certain other Americans. I hope to bring about harmony and cooperation."<sup>43</sup>

Immediately after his arrival, General Anderson with Admiral Dewey called unofficially on the Filipino leader.<sup>44</sup> Aguinaldo immediately asked the general whether "the United States of the North" had or intended to recognize his government. Anderson had brought the first news to Dewey that there was a sentiment in the United States in favor of conquering and retaining the islands and he appreciated the political importance of his dealings with the insurgent leader. His orders required him "to effect a landing, establish a base, not to go beyond the zone of naval cooperation, to consult with Dewey and to wait for Merritt."<sup>45</sup> To Aguinaldo's question he replied that he was acting in a military capacity only; that he had no authority to recognize a government; that "we had come to whip the Spaniards and that if we were successful the indirect result would be to free them from Spanish tyranny." To this he added, "As we were fighting a common enemy, I hoped that we would get along amicably together."

Aguinaldo was not satisfied. "The fact is," says General Anderson, "that he hoped and expected to take Manila with Admiral Dewey's assistance and he was bitterly disappointed when our soldiers landed at Cavite."

<sup>43</sup> Mr. Williams to Mr. Day, August 4, 1898. *Sen. Doc. 62*, p. 331. For Aguinaldo's answer, see *Sen. Doc. 62*, p. 397.

<sup>44</sup> *Sen. Doc. 331*, p. 2776.

<sup>45</sup> For General Anderson's orders, see his letter (*Chicago Record-Herald* for July 11, 1902) in reply to Admiral Dewey's criticisms. *Sen. Doc. 331*, pp. 2976-80.

Aguinaldo on May 23, 1898, had announced himself as absolute dictator. On June 12 he issued a decree proclaiming the independence of the Philippines. Invitations to the ceremony were sent to Admiral Dewey and his officers but no one attended.<sup>46</sup>

A few hours after the interview with Dewey and Anderson on July 1, two of the latter's staff officers while walking through the streets of Cavite were arrested and taken before Aguinaldo, who informed them that strangers could only visit the town by his permission, which permission, however, he graciously granted to them. After this incident the troops were immediately landed.

Aguinaldo declined an invitation to witness a parade on the Fourth of July because he had been invited as general and not as president. Immediately thereafter Anderson wrote to him that, while he hoped to maintain amicable relations, he had taken Cavite as a base for operations and requested that Aguinaldo instruct his officers not to interfere with American officers in the performance of their duties and not to assume that American officers or men could not visit Cavite without permission from the Filipino leader.

Soon after receiving this notice Aguinaldo, with his cabinet, military staff and the inevitable band, called on General Anderson and presented to him the plan of an autonomous form of government which it was said Spain was willing to grant the islands. It had been prepared by certain Filipino leaders and was accompanied by an open letter from Don Pedro Paterno, to the Filipino people advising them that Spain, rather than the United States, was entitled to their trust and confidence. To

<sup>46</sup> "Invitations to the ceremony of the declaration of independence were sent to Admiral Dewey, but neither he nor any of his officers were present. It was, however, important to Aguinaldo that some American should be there whom the assembled people would consider a representative of the United States. 'Colonel' Johnson, ex-hotel keeper of Shanghai, who was in the Philippines exhibiting a cinematograph, kindly consented to appear on this occasion as Aguinaldo's Chief of Artillery and the representative of the North American nation. His name does not appear subsequently among the papers of Aguinaldo. It is possible that his position as Colonel and Chief of Artillery was a merely temporary one which enabled him to appear in a uniform which would befit the character of the representative of a great people upon so solemn an occasion." Taylor, II (71, Ly.), p. 338.

General Anderson's inquiry whether this scheme was agreeable to the Filipinos, Aguinaldo replied by asking whether the North Americans intended to hold the Philippines as a dependency. The general stated that he was not informed on that subject, but ventured the not wholly accurate statement that in one hundred twenty years the United States had established no colonies. Aguinaldo replied that he had studied attentively the constitution of the United States and had found in it no authority for colonies. He therefore had no fear as to the future.<sup>47</sup>

General Anderson arrived in the islands after the insurgents had organized and proclaimed their government and determined to try for absolute independence. Dewey knew, and evidently cared very little about what was going on in Filipino political circles. Anderson on land was brought into closer relations with the insurgents and soon learned of their real designs. Early in July he reported to Washington that the Filipinos expected independence and that an attempt to establish a provisional government would probably lead to a conflict.

#### IV

The opponents of the policy of annexation very generally accepted as true the claim of Aguinaldo and his followers that the American consuls at Hong Kong and Singapore, and Admiral Dewey and General Anderson at Manila, in return for the mili-

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<sup>47</sup> For General Anderson's account of his relations with the insurgents, see his article in the *North American Review* (Feb., 1900), and his letter published in the *Chicago Record-Herald* for July 11, 1902. The correspondence with Aguinaldo is in *Sen. Doc. 62*, pp. 399-403; *Rept. of Maj. Gen. Com. Army*, 1899, Part 2, pp. 335-44; and *Sen. Doc. 208*, 56th Cong., 1st Sess., Part 1, pp. 4-20. The omissions shown by stars in General Anderson's letter of July 9, 1902 (see *Sen. Doc. 208*) relate to criticisms of the transport service. This document contains all communications with Aguinaldo to March, 1900, and also Aguinaldo's proclamations and other manifestos.

With reference to the Anderson-Aguinaldo correspondence, General Merritt in his statement to the Peace Commission at Paris said: "It is correspondence between General Anderson and Aguinaldo, and relates largely to Aguinaldo's growing views. The whole correspondence was deprecated by Admiral Dewey before I got there, and I suppressed the whole thing after I arrived, because it was not the wish of the government to make any promises to the insurgents or act in any way with them." *Sen. Doc. 62*, p. 366.

tary cooperation of Aguinaldo promised that the United States would aid him in establishing an independent government in the Philippines.

As presented by Agoncillo to the Peace Commission at Paris in December, 1898, the Filipino claim was that:

"At the time of imploring their armed cooperation, both the commander of the *Petrel* and Captain Wood in Hong Kong, before the declaration of war, the American consuls-general, Mr. Pratt in Singapore, Mr. Wildman in Hong Kong, and Mr. Williams in Cavite, acting as international agents of the great American nation, at a moment of great anxiety, offered to recognize the independence of the Philippine Nation as soon as triumph was obtained."<sup>48</sup>

In the *Reseña Verídica* which was published in September, 1899, long after his arrival at Cavite, Aguinaldo says that he was received with the honors of a general, and that after the greetings of courtesy he asked Admiral Dewey:

"if all the telegrams relative to myself which he had addressed to the consul at Singapore, Mr. Pratt, were true. He replied in the affirmative and added that 'the United States had come to the Philippines to protect the natives and free them from the yoke of Spain.' He said moreover, that 'America was rich in territory and money and needed no colonies,' concluding by assuring me 'to have no doubt whatever about the recognition of Philippine independence of the United States.' Thereupon he asked me if I could induce the people to rise against the Spaniards and carry on a rapid campaign. . . . The Admiral replied that he was delighted at my sincerity and believed that both Filipinos and Americans should treat each other as allies and friends . . . and added that 'so he had been informed, the United States would recognize the independence of the Filipino people, guaranteed by the word of honor of the Americans' . . . advising me to form at once

<sup>48</sup> *Phil. Insurg. Recs.*, 102, I. See also the Proclamation of June 8, 1899. In the letter to President McKinley of October 3, 1898, Agoncillo did not claim that independence had been promised. For Agoncillo's statement given to General Greene on September 15, 1898, see *Sen. Doc.* 62, p. 429.

a Filipino national flag, offering in virtue thereof to recognize and protect it before the other nations, which were represented by the various squadrons then in the bay. . . . I announced that I would take up my residence at the naval headquarters in the Cavite arsenal. . . . In the same month of July the Admiral, accompanied by General Anderson, presented himself . . . and said, 'Documents are not complied with when there is no honor, as has happened with your agreement with the Spaniards, who have failed in what was written and signed. Trust in my word, for I hold myself responsible, that the United States will recognize the independence of the country. But I recommend to you to keep everything that we have talked about and agreed upon with a great deal of secrecy at present.'"<sup>49</sup>

All this would be important if true, but there is no longer any question but that Admiral Dewey was correct when he called Aguinaldo's story "a tissue of falsity."<sup>50</sup> In the *Reseña Verídica* the original, modest claim of Aguinaldo was elaborated and dressed up by Buencamino and other leaders for the purpose of influencing public opinion in the United States and elsewhere outside of the Philippines.<sup>51</sup>

<sup>49</sup> Taylor, 4 MG. E.

<sup>50</sup> In a letter written by Aguinaldo to his brother on the day of this interview he said (*Phil. Insurg. Recs.*, 12, 1): "I inform you that we arrived here in Cavite at eleven o'clock and disembarked at four o'clock in the afternoon after our conference with the American Admiral. Everything appears to be favorable for attaining our independence. I can not say more on that subject as it would take too long. I have no object in writing this except to ask you and your companions to meet at once and arrange the best way to entrap all the enemy in your town, employing deceit, for instance, etc. . . . The hour has arrived for the Philippines to belong to her sons. . . . Only one step and we shall reach Independence."

<sup>51</sup> The *Reseña Verídica* was dated September 23, 1899, and was probably written by Buencamino in collaboration with the other political leaders. An English translation is in the *Cong. Rec.*, XXXV, Pt. 6, Appendix, pp. 440-445. On September 12, 1899, Buencamino wrote from the Philippines to Dr. Apacible at Hong Kong a letter which shows the way in which the *Reseña Verídica* was prepared and distributed. "This work is entitled *Reseña Verídica de la Revolución Filipina*, in which Don Emilio relates in detail his acts with Admiral Dewey. It has been distributed to the consuls and you are ordered to reprint it there translated into English and send some copies to the United States, even though only a thousand, if you deem it advisable. Send copies also to Europe, Señor Agoncillo taking charge of the publication. . . . This is an order of the Government." *Phil Insurg. Recs.*, 391, 3.

On the 30th of the same month he wrote, "We have not distributed them here in order that Otis may not counteract the effects that we desire to produce with this publication, through his usual machinations. Nor do we believe

It is easy to trace the growth of this myth of a promise of independence from its inception in the brain of "Aguinaldo's Englishman" to its maturity in the *Reseña Verídica* and the formal statement of Agoncillo at Paris. It was of slow but steady growth. Evidently Bray did not fully grasp the possibilities of an interview between parties ignorant of each other's language until several days after Aguinaldo had sailed from Singapore. The meetings with Pratt had been held secretly but it was to Bray's interest that his part in the transaction should be made public and he prepared an account of the interviews for publication in the *Singapore Free Press*. St. Clair, the editor of that paper, had been induced by Bray to favor the Filipino cause. Immediately after Aguinaldo arrived in Singapore he was taken by Bray to call on the editor and St. Clair says that he was thereafter fully informed of the progress of affairs.

The article in the *Free Press*, prepared very soon after the interviews, made no reference to any promise by Pratt. But Bray and Santos were soon claiming that not only had there been a promise but that it had been reduced to writing and duly signed by Pratt and Aguinaldo and approved by Dewey. It seems that this story was being circulated in Hong Kong after Aguinaldo had sailed for Manila. Mr. Albert G. Robinson, the correspondent of the *New York Evening Post*, was assured by the Filipino junta that there was a written agreement with fifteen clauses and that it was to be effective when ratified by Commodore Dewey and President McKinley. According to the story this remarkable document provided, among other things:

it advisable to make this pamphlet public in those colonies before your arrival in the United States." *Ibid.*

On this letter in cipher is a postscript addressed to Aguinaldo's secretary (Pablo Ocampo):

"At last moment, *Nota bene*—

"Don't deliver any copy of the *Reseña Verídica* to the consuls, even though it was so directed in the beginning of the letter. All except one, which is for you, will be sent to Hong Kong, Don Pedro de la Viña being bearer of the same, as also of other documents. The copy intended for you is neither to be divulged nor published, for strict reserve is required until these which are being sent arrive at their destination." *Ibid.*, 461, 4.

Le Roy says (*The Americans in the Philippines*, I, p. 180): "The *Reseña Verídica* is so inaccurate and uncandid that it will not do to accept any statement resting on its authority."

"1. Philippine independence to be proclaimed.

"2. A federal republic to be established by vote of the rebels; pending the taking of this vote, Aguinaldo to appoint the members of that government.

"3. The federal republic to recognize a temporary intervention of American and European administrative commissioners to be appointed by Commodore Dewey.

"4. The American protectorate to be recognized in the same terms as those fixed in Cuba."

Robinson was informed that Aguinaldo, Bray, the editor of the *Singapore Free Press*, and all the other parties present at the interview except Pratt claimed that such a formal written agreement was entered into and he concluded therefore that the question was largely one of personal veracity between Mr. Pratt and these parties.<sup>52</sup>

Of course, the fact that no such writing was ever produced is conclusive evidence that it never existed. Aguinaldo himself effectually disposed of the claim. In the *Reseña Verídica* he tells why the agreement which he says was made was *not* reduced to writing. In a letter written about November, 1898, and addressed to "Señor McKinley, President of the Republic of the United States of North America," Aguinaldo wrote:

"The commander of the *McCulloch* telegraphed me also from Hong Kong offering in the name of Commodore Dewey to take me to Cavite in order to raise the Filipinos against Spain.

"*Without any written treaty,—counting only upon the sacred word of American citizens*, I went to Hong Kong, embarked on the *McCulloch*," etc.<sup>53</sup>

The editor of the *Singapore Free Press* was not, as Robinson understood, present at either of the interviews between Pratt and Aguinaldo. Nor had he ever agreed with Bray's claim. In an interesting letter to Bray, St. Clair wrote:<sup>54</sup>

<sup>52</sup> Robinson, *The Philippines, the War, and the People* (1901), p. 41.

<sup>53</sup> *Phil. Insurg. Recs.*, 441-2. Evidently this letter was not sent. The statement that the commander of the *McCulloch* telegraphed Aguinaldo is certainly untrue.

<sup>54</sup> *Phil. Insurg. Recs.*, 406, 5. Taylor, I, p. 272.

"I felt it my duty to let Pratt know that you still hold that you and Santos have evidence that will controvert his. . . . *Curiously you never mentioned to me anything of the agreement as having taken place then, nor in the paper you communicated to me was there any mention of one, nor did Pratt know of any. It is only more recently that the fiction took shape. . . . I would like to urge you, from a practical point of view, to drop any such foolishness.* The vital thing, and nothing else counts, is what Dewey said and did when he at last met Aguinaldo. That that is the thing; all else is empty wind. . . . Sink everything into Dewey-Aguinaldo cooperation; that was on both sides honest. Even if it did not imply actual arrangement, which of course, Dewey, himself, could not make. That here you have the facts, undenied—incontrovertible. . . . Dewey is the 'key.'"

On June 12, 1899, with this letter in his possession, Bray had the audacity to write the following letter to Aguinaldo:

"There is still a trump card to be played. Did you not say that the basis of any negotiation at Singapore was the independence of the Philippines under an American protectorate? This is what Consul Pratt telegraphed and to which Dewey and Washington agreed; as I figured up the price of the telegram, I know very well what occurred, and I am ready to state it and to swear to it when the proper time comes. There are five of us against one in the event of Consul Pratt receiving instructions to deny it. Furthermore Mr. St. Clair knows what happened and I am certain that he also would testify. *St. Clair still has the rough draft as an historical relic*, and St. Clair is a true and loyal friend of yours."<sup>55</sup>

On the same day Bray telegraphed to Senator George F. Hoar that:<sup>56</sup>

"As the man who introduced General Aguinaldo to the American Government, through the consul at Singapore, I frankly state that the conditions under which Aguinaldo promised to cooperate with Dewey were independence under a protectorate."

<sup>55</sup> *Phil. Insurg. Recs.*, 398, 9.

<sup>56</sup> *Phil. Insurg. Recs.*, 453-4. Taylor, I, 273.



Self-serving statements made by the insurgent leaders with reference to what had occurred in the past are entitled to very little consideration.<sup>57</sup> They wrote down whatever they thought would bolster up their case, create sentiment in their favor abroad, or encourage their followers at home, exactly as European belligerents did a decade and more later. But contemporaneous *admissions against interest* are pretty certain to be true and have a recognized value in the law of evidence. The Filipinos had acquired the Spanish habit of making elaborate records of all their political and military transactions. The acts of the Hong Kong junta were carefully recorded in detail in the records of their meetings.<sup>58</sup> From the minutes of the meeting held on May 4, 1898, two days after Aguinaldo returned from Singapore, it appears that he explained to the junta the situation which had developed and that there was then a general discussion of the advisability of his returning to the Philippines. Aguinaldo then knew what had occurred between himself and Pratt; it was fresh in his mind. If Pratt, with Dewey's approval, had pledged the faith of the United States, it is absolutely certain that Aguinaldo would have reported the fact to his associates.

*It was for all of them the one big thing in all the world.* And yet Aguinaldo, in his statement to the junta, made no reference to any covenant with Pratt and Dewey. In fact, what he did report was inconsistent with the existence of even an implied understanding. According to his report the conditions under which he was to cooperate with the American forces had not at that time been determined. Pratt and Aguinaldo had, as stated in the minutes of the meeting,

“both agreed that the President (Aguinaldo) should confer with the Admiral commanding the American squadron in Mirs Bay and *if the latter should accept his propositions, advantageous in*

<sup>57</sup> Those who accept as true every assertion made by the insurgents with reference to the acts and statements of Americans must also believe many things discreditable to certain American public men who were not in the Philippines. See *infra*, p. 508, note.

<sup>58</sup> *Phil. Insurg. Recs.*, 53-2.

*his judgment to the Philippines*, he would go to said country in one of the cruisers."

Nothing more.

When Aguinaldo reached Hong Kong, Dewey had sailed for Manila. He then talked with Consul Wildman and reported that he "was not satisfied with such interviews." As everything was in the air, Aguinaldo "begged the committee to discuss the advisability of his going to the Islands" and leaving them at Hong Kong. The opinions of leading members of the junta were entered at length in the minutes to which they affixed their signatures. Sandico, Garchitorena and Apacible, thought that Aguinaldo's presence in the Philippines was necessary in order to prevent dissension among the people, but Aguinaldo insisted that he

"considered it reckless for him to go to the Philippines *without first making a written agreement* with the Admiral as it might happen, if he placed himself at his orders, that he might make him subscribe to or sign a document containing proposals highly prejudicial to the interests of the country from which might arise the following two very grave contingencies:

"1. If he should accept them he would undoubtedly commit an *unpatriotic* act and his name would justly be eternally cursed by the Filipinos.

"2. If he should refuse, then the break between the two would be evident."

To escape this dilemma he proposed that a committee should go to the Philippines, see Admiral Dewey and

"ascertain in an authentic manner what the intentions of the United States in regard to that country are and if his intervention is absolutely necessary, he would not object to go at once to the Philippines."

Hence Aguinaldo at that time realized that he had no definite arrangements with any representative of the United States and that even if Pratt and Wildman had encouraged him to return

to Hong Kong he understood that they were without authority to speak for the United States. Neither he nor the junta had any illusions as to the powers of the consuls. They did believe, however, that Dewey might possibly have such authority, and Aguinaldo desired to get in touch with him.

The objections to sending a committee, instead of Aguinaldo, to Manila, which were then made by Sandico, Garchitorena, Apacible and Gonzaga, and the policy then outlined, were fully set forth in the minutes of the meeting, and signed by all present. They were convinced that Dewey would furnish arms because the fleet alone could do nothing unless it operated in conjunction with the insurgents. They understood the situation and calculated very properly upon taking advantage of Dewey's necessities.<sup>59</sup> This document is so important as to justify further quotation.

"The authority to treat which the President desired to give to the other chiefs, without reflecting at all upon their personal qualifications, they did not believe would be as efficacious as his personal intervention, which is necessary in grave affairs, such as those the subject of discussion; there would be no better occasion than that afforded them to insure the landing of the expeditionary forces on those islands and to arm themselves at the expense of the Americans and to assure the situation of the Philippines in regard to our legitimate aspirations against those very people. The Filipino people, unprovided with arms, would be the victims of the demands and exactions of the United States; but, provided with arms, would be able to oppose themselves to them, struggling for independence, in which consists the true happiness of the Philippines. And they finished by saying that it made no difference if the Spanish government did demand the return of the four hundred thousand pesos, and if the demand were allowed in an action, since the object of the sum would be obtained by the Admiral furnishing the Filipinos the arms which they required for the struggle for their legitimate aspirations. . . .

<sup>59</sup> "As a matter of fact," says Le Roy, "this is only the first of a series of events and documents which show that the Filipinos during 1898 and 1899 looked into the future more shrewdly and mapped out their course of action in a less haphazard way than did the Americans." *The Americans in the Philippines*, I, p. 208, note.

"The President, with his prestige in the Philippines, would be able to arouse those masses to combat the demands of the United States, if they colonized that country, and would drive them, if circumstances rendered it necessary, to a Titanic struggle for their independence, even if they should succumb in shaking off the yoke of a new oppressor. If Washington proposed to carry out the fundamental principles of its constitution, there was no doubt that it would not attempt to colonize the Philippines, or even to annex them. It was probable then that it would give them independence and guarantee it; in such case the presence of the President was necessary, as he would prevent dissensions among the sons of the country who sought office, who might cause the intervention of European powers, an intervention which there was no reason to doubt would be highly prejudicial to the interests of the country. . . . What injury could come to the Philippines, even if we admitted that the Admiral would not give arms to the President on account of his refusal to sign a document prejudicial to the country, after he had taken all means to provide for her defense? None. Such an act of the President could not be censured, but, on the other hand, would be most meritorious because it would be one proof more of his undoubted patriotism."<sup>60</sup>

Aguinaldo sailed for Manila with the definite understanding that the Americans had made no promises. He and his associates hoped that after reaching the islands he might induce the admiral to make some sort of terms with him. They understood perfectly that they were relying on their own influence and their skill in turning the situation to their advantage.

## V

It thus appears from the statements of Pratt, Wildman and Aguinaldo himself, that Bray's assertion that a written agreement was entered into at Singapore was false. Aguinaldo never claimed that there was any such document. The minutes of the meeting of the Hong Kong junta, held immediately after Aguinaldo's return, prove that he did not then claim that there

<sup>60</sup> *Phil. Insurg. Recs.*, 53, 2. Taylor, I, p. 231.

had been even an oral agreement between him and Pratt or any understanding other than that he should return to Hong Kong, see Dewey, and if possible arrange for the cooperation of the insurgents. He proceeded to Hong Kong and thence to Cavite for that purpose. Our knowledge of what occurred at his first interview with Dewey rests on the conflicting statements of Dewey and Aguinaldo. The former made his statement within a few days after the meeting in a formal report to the secretary of the navy. Aguinaldo's statement in the *Reseña Verídica* was made in September, 1899, a year and three months after the event. As dressed up by his advisers it was inherently improbable and unworthy of belief. Admiral Dewey was an experienced naval officer, fully informed of his powers and duties and aware of the fact that political questions were beyond his province. He delivered the insurgent leader on shore and supplied him with arms, but it is inconceivable that he assumed to make any such promises or representations as are set forth in the *Reseña Verídica*. No one who is acquainted with the circumstances and the records now believes that Dewey made Aguinaldo any promises.

It is equally certain that the insurgent leaders were not misled into assisting the Americans by any inferences which they were justified in drawing from the conduct of either Pratt, Wildman, Dewey, or Anderson. It has been believed by many friends of the Filipinos that Aguinaldo and the members of the Hong Kong junta were tricked by wiser and more experienced men, but we now know that they were playing their own game with open eyes and subtle brains alert to take every advantage of the extraordinary conditions which had arisen in the Philippines. Wildman, Williams and Pratt thought that theirs were the guiding hands. To Dewey the Filipinos were "little brown men," "mere boys," who annoyed him. They were in fact a type of men with which the American officers were unfamiliar and whose general intelligence and skill as politicians they greatly underestimated.

Long before the United States decided to annex the Philip-

piners the relations with the insurgents were definitely fixed. Final instructions to demand the cession of the entire Archipelago were sent to the commissioners at Paris on November 11, 1898. Before that Aguinaldo had proclaimed his Republic and established his capital at Malolos. During the period of uncertainty which extended from May 1 to November 11, neither Aguinaldo, Dewey, Anderson, nor the people of the United States had any information on the subject. By a process of reasoning or instinct, Pratt reached the conclusion that the Filipinos would be supported in their demand for independence. Williams assumed that the islands would be annexed and governed by the United States. Wildman evidently believed that a protectorate would be established. Dewey first favored retaining Luzon. Washington instructed the consuls and officers not to talk politics and in the meantime maintained absolute silence. Aguinaldo and his associates were naturally very desirous of ascertaining the policy of the United States. Like most Americans at that time, they inferred from the history of America that it would not care to assume the burden of governing a distant territory. Before leaving Hong Kong for Cavite Aguinaldo and the junta satisfied themselves that the constitution of the United States conferred no power to hold colonies. The conclusion, as recorded in the minutes of the junta on May 4, was that if the American government "proposed to carry out the fundamental principles of its constitution, there was no doubt that it would not attempt to colonize the Philippines or even to annex them. It was probable then that it would give them independence and guarantee it."

This was a reasonable deduction from the facts known to the Filipinos and they knew about as much as any one did at that time. The United States had gone to war to free the Cubans and the Filipinos with their limited knowledge of history might well ignore the facts which distinguished the Cuban from the Philippine situation. The important thing to note is that the Filipino leaders did not then pretend to have received any information with reference to the American policy. They reached

their conclusions by reasoning from the conditions known to them.

The meeting of the junta, the minutes of which have been quoted, was held three days after the destruction of the Spanish fleet. It required no great prescience to infer that Dewey, being without troops, would be willing to encourage the insurgents to attack the common enemy, and might aid them with the arms they "required for the struggle for their legitimate aspirations." The arms, at least, would be so much clear gain. If later the Americans should have other views as to what aspirations were "legitimate" the arms could be turned against them. It seemed a perfectly good policy because under it both parties secured the immediate thing desired and the future was left to take care of itself. The Filipinos had everything to win and nothing to lose by reviving the insurrection under such conditions.

There was, however, one dread contingency,—the United States might decide to withdraw from the Philippines and leave the Filipinos to fight it out with Spain. That must be avoided at all hazard. "To be again in the hands of Spain," wrote Agoncillo to Mabini a few days after the fall of Manila, "will mean a long and bloody war and it is doubtful whether the end will be favorable to us. A treaty of peace sanctioned by the other powers will assure the dominion of Spain. Spain free from Cuba and her other colonies will employ all her energies to crush us and will send here the one hundred and fifty thousand men she has in Cuba."<sup>61</sup>

Until the American policy should be defined the Filipino policy must necessarily be tentative. Aguinaldo and his following had already determined to secure absolute independence if possible, but many influential Filipinos had other views and it was necessary to act with tact and discretion. Many of the wealthy upper class favored annexation, but they were skilfully maneuvered out of position. Before leaving Hong Kong two proclamations were prepared for circulation in the Philippines, one, a copy of which was sent to Washington by Pratt, bore the heading, "Amer-

<sup>61</sup> *Phil. Insurg. Recs.*, 453, 3.

ica's Allies," and contained the words, "Divine Providence places us in a position to secure our independence. . . . Where you see the American flag flying, bear in mind that they are our redeemers." The other contained the following:

"This is the best opportunity which we have ever had for contriving that our country, all the Philippine Archipelago, may be counted as another star in the great republic of the United States. . . . Now is the time to offer ourselves to that nation. . . . With America we shall be rich, civilized and happy."<sup>62</sup>

Aguinaldo is understood to have carried these proclamations to the Philippines, but neither was circulated. Manifestly he was not ready to announce a policy. After the insurgent army was organized the native people were informed that the Americans would aid them in securing independence, but Aguinaldo at all times realized that it might be necessary to accept something less.

On July 28, 1898, Señor Regidor, a Filipino residing in London, telegraphed Agoncillo that President McKinley should be requested not to abandon the islands. "Pledge him our unconditional adhesion, especially of well-to-do people. To return to Spain, in whatever form, would mean annihilation, perpetual anarchy. . . . Influence Aguinaldo to accept American flag, flying it everywhere, thus obliging them to remain."<sup>63</sup> Agoncillo replied that Aguinaldo's government aspired to independence. Regidor then wrote to J. M. Basa, urging that a protectorate was the only feasible policy.<sup>64</sup> Upon receiving this communication Basa called together his friends in Hong Kong and they adopted a resolution directing that a congratulatory message be sent to President McKinley. Agoncillo informed Aguinaldo of what had been done by a letter, in which he described Basa and his friends as "boastful patriots."

"If the American troops leave us alone there," he wrote, "the questions which will arise are these: Have we sufficient arms to

<sup>62</sup> *Phil. Insurg. Recs.*, 1204-10. J. M. Basa enclosed the proclamation in a letter of May 16, 1898, to José Basa at Manila, recommending that it be given the widest possible circulation.

<sup>63</sup> *Phil. Insurg. Recs.*, 471, 4.

<sup>64</sup> *Phil. Insurg. Recs.*, 450, 2.



maintain the war against Spain in order to secure our independence? . . . If you think that we have not sufficient strength to fight against them, should we accept independence under an American protectorate; and if so, what conditions or advantages should be given to the United States? You should carefully consider the preceding questions . . . and your decision be notified to our representatives abroad in order that they may know what they must do in their negotiations."<sup>65</sup>

On August 7, 1898, Aguinaldo wrote to Agoncillo definitely announcing the policy he then had in mind:

"Still do not accept any contracts or give any promises respecting protection or annexation, because *we will see first if we can obtain independence*. This is what we shall endeavor to secure; meanwhile if it should be possible to do so, still give them to understand in a way that you are unable to bind yourself, but that once we are independent we will be able to make arrangements with them."<sup>66</sup>

On August 10, 1898, Aguinaldo wrote to Sandico:

"The policy of the government is as follows:

"1. To struggle for the independence of the Philippines as far as our strength and our means will permit. Protection or annexation will be acceptable only when it can be clearly seen that the recognition of our independence, either by force of arms or diplomacy, is impossible."<sup>67</sup>

And two weeks later he wrote Agoncillo:

"You must bear in mind that the policy of the government is to obtain absolute independence, and if perchance we should know by the course of events that such can not be the case, we will then think of annexation or protection."<sup>68</sup>

After the arrival of the troops Admiral Dewey ceased to have

<sup>65</sup> *Phil. Insurg. Recs.*, 471, 4. On July 21, 1898, Agoncillo wrote to Mabini that the idea that the purpose of the American government was to grant independence without conditions was too philosophical to be true and that Don Emilio knew what he thought and "I shall think the same; that is to say that we are the ones who must secure the independence of our country by means of unheard-of sacrifices and thus work out its happiness."

<sup>66</sup> *Phil. Insurg. Recs.*, Book C, 1.

<sup>67</sup> *Phil. Insurg. Recs.*, 5, 7.

<sup>68</sup> *Phil. Insurg. Recs.*, C, 1.

any relations with Aguinaldo. General Anderson dealt with him as the commander of a military force engaged in fighting the common enemy. That condition necessitated friendly relations to the point where their vital interests conflicted. There never was any real cooperation.<sup>69</sup> The Americans merely permitted the insurgents to carry on military operations so long as they did not conflict with their own plans. On July 22 General Anderson informed Aguinaldo that he could not without orders from Washington, recognize his civil authority.<sup>70</sup> The burden of Aguinaldo's complaints was the refusal to recognize him as an ally or to recognize his government, but he never in any of his correspondence with Dewey, Anderson, Merritt or Otis claimed that he had been promised American support in his attempt to establish an independent republic in the Philippines. He complained only of the unfairness and injustice of the refusal to permit his army to enter the city of Manila, which it had assisted in capturing. He refused to attend the Fourth of July ceremonies because not invited as president. His military operations were carried on for his own purposes. He attempted unsuccessfully to capture Manila without the assistance of the Americans. He ignored requests for assistance in obtaining transportation and complied only when threatened with force.

The right to use deceit against an enemy is recognized by the laws of war. The original plan for obtaining arms from the Americans which could be used against them if the "legitimate aspirations" of the Filipinos were not recognized should not be too severely criticized. At least there is nothing in the modern history of European nations to justify them in throwing stones at Aguinaldo and his associates. But conveying information to the Spaniards while professing friendship, and asserting the existence of an alliance with the Americans, can not be justified even by the law of necessity. On at least two occasions such information was conveyed to the Spaniards. On July 30 Gen-

<sup>69</sup> Aguinaldo, writing to Consul Williams on August 1, 1898, said that his people were claiming that the "American forces have shown not an active, only a passive cooperation." *Sen. Doc. 62*, p. 398.

<sup>70</sup> *Sen. Doc. 62*, p. 393.

eral Del Pilar informed a Spanish officer that the Americans would attack Manila on August 2, and General Ricarte gave warning of the attack of August 13.<sup>71</sup>

The verdict of history must be that the United States was guilty of neither false pretenses, breach of faith nor treachery toward the Filipino insurgent leaders. Aguinaldo was not so simple-minded as to rely on the statements of consuls, and he was not in fact misled by their statements or their actions. Instead of trusting the Americans, his attitude, at least from the time of the arrival of the army, was unfriendly and suspicious.

No promises were made by Admiral Dewey or by any responsible army officer. The government at Washington disapproved the conduct of Pratt and Wildman, but its disapproval was not made public until after the treaty of peace was signed. As its policy was undetermined, no other reasonable course was possible. It could not be expected to communicate its disapproval of the alleged acts of the consuls to Aguinaldo. However, certain of the letters sent by the State Department to the consuls might very well have been made public, and it would have been better had Admiral Dewey protested against Aguinaldo's assumption of civil authority. It is very certain, however, that the course of events would not have been thereby affected. It would simply have made a better record and deprived Aguinaldo's friends of one of their arguments.<sup>72</sup>

<sup>71</sup> The following letter from a Spanish officer is self-explanatory:

"SINGALON, Aug. 10, 1898.

"Señor Don Artemio Ricarte:

"MY DEAR SIR—I have received to-day your very kind letter giving warning of the attack on Manila, and I thank you for your personal interest in me, which, on my part I reciprocate. I assure you I am yours, most truly and sincerely,

"LUIS MARTINEZ ALCOBENDAS."

*Phil. Insurg. Recs.*, 1187, 5.

<sup>72</sup> In 1904 a leading Filipino wrote to Mr. Le Roy as follows:

"In my judgment the Americans who held the first conferences with some of the Filipinos in 1898, in the United States, in Hong Kong, and in Singapore, ought to have been persons of high standing, duly authorized by their government, and they ought to have spoken plainly and set forth concretely what was in the thought of the McKinley Government. . . . Those definite and concrete proposals ought to have been expressed without ambiguities or doubts, but with absolute plainness and blunt frankness. . . . It appears as though certain Americans, and even military and naval officers, allowed to outline itself in perspective the future absolute independence of the country,

The United States was fighting Spain, and the Philippine Islands were Spanish territory. In the eye of international law the insurgents were rebellious subjects of Spain, but subjects nevertheless. After Spain ceded the territory to the United States the inhabitants owed allegiance to the new sovereign. They chose to exercise their fundamental right to try for independence, and failed.

a promise more or less indecisive or at any rate lacking formality; asked and reasked afterward by the Democrats during the presidential campaign; all which did much damage and deceived the people of only moderate education and still more the ignorant who to this day believe that independence is the panacea of the ills and backwardness of the country. . . . And it was necessary also that the Democrats should not have supported the desire for independence of many Filipinos.

To the latter there were said and promised many things which could not be carried out, especially independence, by Americans who were speaking and acting according to their own judgment; and the result was what we have already seen, more than three years of war and at this time in spite of peace we still have trouble-brewers abroad, or partisans of independence who really are devoting themselves to the robbery of the Filipinos." Mr. Le Roy describes the writer of this letter as "one of the foremost Filipinos for experience, legal attainment, and a character, universally recognized as the highest." *The Americans in the Philippines*, I, p. 380, note. The letter was printed in the issue of the *New York Evening Post* of May 17, 1904.

Of course no authorized Americans ever held conferences with the Filipinos in Hong Kong, Singapore, or the United States during 1898. The United States then had no policy with reference to the Filipinos other than that conveyed to Pratt, Wildman and Dewey, to have no political dealings with the insurgent leaders. It would have been well indeed if there had been a little plain and blunt speaking to Aguinaldo and his friends then and later. In fact, most of the difficulties of American administration in the Philippines during the past sixteen years has been due to the fear of injuring the sensibilities of the Filipinos by speaking with "absolute plainness and bluntness."

## CHAPTER XVI

### The Period of Military Occupation—Suspended Sovereignty

Military Occupation—Powers of a Military Occupant—Merritt's Instructions—The Proclamation—Organization of Civil Affairs—The Peace Protocol—Spanish Claims Thereunder—Relations with Insurgents—No Joint Occupation—Aguinaldo Required to Withdraw His Troops—Consolidation of Civil Offices—The Courts—Trade and Commerce—Prisons—Ownership of Bonds and Money in the Treasury—Spanish Prisoners—Spanish Priests and Nuns as Prisoners—The Chinese—Closing up Spanish Affairs—Difficulties at Iloilo—The "Benevolent Assimilation" Proclamation—Aguinaldo's Response—Conferences with Insurgents—The Schurman Commission—The Attack on Manila.

While the people of the United States were busy with the questions of national policy involved in the acquisition of territory in the Far East the army was governing Manila under military law. Until the treaty of peace had been ratified by the proper authorities in Spain and the United States, and the fact duly notified and proclaimed, the sovereignty over the Philippines remained vested in Spain, subject to the provision of the Peace Protocol, which granted to the United States possession of the city, bay and harbor of Manila. This possession carried with it the right and the duty to govern the territory so occupied. Spain retained the right to govern the rest of the Archipelago, and a Spanish governor continued his nominal rule from the city of Iloilo. As the terms of the Peace Protocol implied the possible permanent retention of Manila, the military government from the first naturally thought to some degree at least in terms of permanency. Hostilities were suspended, and the strong temptation to exercise jurisdiction over the adjacent territory for the purpose of maintaining order was generally resisted.

The instructions which General Merritt carried with him to

the Philippines assumed that the occupation of Manila would be that of a military conqueror, and his powers and duties were defined and announced upon that theory. The original occupation was under the articles of capitulation, and the provisions of the Peace Protocol, by which the city, bay and harbor of Manila were to be placed under the control of the United States pending the determination of the future of the islands, never really controlled the action of the military authorities. The possession, from the time of the capitulation until the formal transfer of sovereignty under the treaty of peace, was treated as a military occupation, and it was assumed that the powers of the authorities were derived from military law.

The instructions to the commanding general, dated the day before the first expedition sailed from San Francisco, stated that the army of occupation was being sent to the Philippines for the twofold purpose of completing the destruction of the power of Spain in that part of the world and giving order and security to the islands while they were in the possession of the United States. He was directed immediately upon his arrival to publish a proclamation announcing that the Americans came not to make war upon the people or upon any party or faction among them, but to protect them in their homes, employments, and personal and religious rights.

The occupation was to be made as free as possible from severity, although, if necessary for the maintenance of law and order, the commanding general was authorized in his discretion to remove native officials and establish new judicial tribunals. It was announced as a principle of public law that the first effect of military occupation of an enemy's territory is the severance of the former political relations and the establishment of a new political power. The powers of a military occupant are absolute and supreme and operate immediately upon the political condition of the inhabitants, but the ordinary municipal laws of the conquered territory, those which affect the private rights of persons and property or provide for the punishment of crime, continue in force until suspended or superseded by the acts of the occupying

power. In practise these local laws are not usually abrogated, but are administered by the ordinary tribunals substantially as they were before the occupation. This enlightened practise was as far as possible to be adhered to on the present occasion.

The substance of these instructions was embodied in a proclamation which was issued by General Merritt on the day after the surrender of the city. It was announced that the municipal law would remain operative so far as compatible with the purposes of military government and would be administered through the ordinary tribunals, *but by officers appointed by the government of occupation*. A provost-marshal-general would be appointed for the city of Manila and the outlying districts, with deputy provost-marshal-generals for designated subdivisions, charged with the duty of making arrests and bringing offenders before the proper courts. The port of Manila and all other ports and places in the Philippines in actual possession of the American land and naval forces would be open while such occupation continued to the commerce of neutral nations in articles not contraband of war upon the payment of the duties in force at the time of the importation.

All churches and places devoted to religious worship and to the arts and sciences, all educational institutions, libraries, scientific collections and museums would, as far as possible, be protected, and their destruction and effacement, save when required by urgent military necessity, would be severely punished.

The army thus displaced the Spanish officials and assumed the government of the city and its environs. The management of financial affairs was assigned to Brigadier-General F. V. Greene, who assumed the duties of the Spanish *intendente general de hacienda*. Lieutenant-Colonel C. A. Whittier was made collector of customs; Major B. C. Bement, collector of internal revenue; Brigadier-General Arthur MacArthur, provost-marshal-general and civil governor of Manila; Captain Henry Glass, of the navy, captain of the port, and Lieutenant-Colonel Jewell, provost-judge. A military commission was created, to try cases of arson,

homicide and other such serious offenses and their equivalents in Spanish law.

Health, police and street cleaning departments were soon in active operation, and conditions, which had been necessarily bad in an oriental city at the end of a siege, rapidly improved.

Three days after having taken possession of the city under the capitulation, General Merritt learned that the Peace Protocol had been signed at Washington, and received an order directing that all military operations against the enemy should be suspended. The protocol was signed at Washington at 4:30 on the afternoon of August 12, 1898. It was then 5:30 in the morning of August 13 at Manila, and the American troops were already in position and waiting for the navy to open fire upon the defenses of the city. The president's proclamation announcing the suspension of hostilities was at once communicated to the Spanish authorities, who thereupon declined to transfer the public funds, as required by the capitulation, on the ground that the proclamation was dated prior to the surrender. General Merritt replied that the *status quo* which must be observed was that which existed when he received notice of suspension of hostilities. The funds were then delivered under protest and the question thus raised was disposed of adversely to the Spaniards by the treaty of peace.

After getting the local government roughly organized and under way, General Merritt again took up the very serious question of the relations with the Filipino insurgents. The situation was now somewhat more favorable to the Americans, as they were no longer between the Spanish and the Filipino lines. If necessary, force could safely be used to compel obedience.

On the day after the battle General Merritt had notified Washington that the insurgents were pressing for a joint occupation of the city, and requested instructions as to how far he should go in enforcing obedience to his orders in this and other matters of the same nature. The reply was direct and positive. The president directed that there must be no joint occupation with



the insurgents. The United States must have the absolute possession and control of the city, bay and harbor, as upon it would rest the duty of preserving the peace and protecting persons and property within the territory occupied by its military and naval forces. The insurgents and all others must therefore recognize the military occupation and authority of the United States and the cessation of hostilities proclaimed by the president. The commanding general was instructed to use whatever means in his judgment was necessary to this end.

The statement in General Merritt's proclamation that the Philippines would for the present be held under military rule greatly increased the agitation of the insurgents. Immediately the tone of their demands was raised. A commission which Aguinaldo had sent to General Anderson to treat with reference to the withdrawal of the insurgents from the city, had proposed but one, and that a seemingly reasonable condition, if the place was turned back to Spain—that when a treaty of peace was signed the United States would reinstate them in the positions they were now required to give up. Immediately after the issuance of Merritt's proclamation these commissioners returned, in a very bad humor, with ten new and very unreasonable demands. They were now informed that no conditions would be considered until after their troops had been withdrawn beyond the lines marked on the maps which were delivered to them.

Major-General E. S. Otis succeeded General Merritt as military governor on August 29, 1898, and on the following day General Merritt sailed for Europe to give the Peace Commission the benefit of his knowledge of the situation. Aguinaldo's rather pathetic letter of August 27 thus came to General Otis for consideration. Merritt had explained to Otis that the difficulty seemed to be that Aguinaldo did not think it prudent to give positive orders for his people to withdraw for fear he would not be obeyed. The Filipino leader was, in fact, seeking some easy way of dealing with the inevitable. "I appreciate as well as yourself," he had written from Bacour, "the inconvenience of a dual occupation of the city of Manila and its suburbs . . .

but you ought to understand that without the long siege sustained by my forces you might have obtained possession of the ruins of the city, but never of the Spanish forces, who could have retired to the interior towns. I do not complain of the disowning of our help in the capitulation, although justice resents it greatly, and I have to bear the well-founded blame of my people. I do not insist on the retention of all the positions conquered by my forces within the city limits at the cost of much blood, of indescribable suffering and much money. I promise to retire to this line. . . . Permit me to insist, if you will, upon the restitution of the possessions which we are now giving up, if in the treaty of peace between Spain and the United States they acknowledge the dominion of Spain in the Philippines. I am compelled to insist on the said conditions to quiet the complaints of my chiefs and soldiers who have exposed their lives and abandoned their interests during the siege of Manila."

After delaying long enough to familiarize himself with the situation, General Otis on September 8 sent to Aguinaldo a long communication, in which he reviewed the questions at issue, gave the insurgent leader some very good advice, and peremptorily directed that his forces evacuate the entire city, including its suburbs and defenses, before September 15, in default of which forcible action would be taken. It would be easy to criticize the tone and language of this letter. It showed not the slightest consideration for the susceptibilities of the Filipinos. It was, in fact, a frank Anglo-Saxon document. Nevertheless it was what was required by the situation. The Filipinos expected ultimately to oppose the Americans with arms and were playing the game of negotiation quite skilfully. A Filipino will never cease urging and arguing his case until he receives an ultimatum, and it must be an ultimatum which he clearly recognizes. When necessary, he generally acquiesces with perfect good nature. General Aguinaldo realized that he must remove his troops, but sent another commission to beg General Otis to withdraw the letter and substitute a simple request, unaccompanied by a threat to use force. General Otis refused to withdraw his letter, but

finally consented to write another which Aguinaldo could show to his army. This was done, and on the evening of the appointed day all the insurgent organizations withdrew from the city.<sup>1</sup>

The attempt to govern the city by merely substituting American for Spanish officials was not very successful. In the interest of economy and efficiency many of the Spanish offices were abolished and others were consolidated. The result was a gradual concentration of power in the office of the military governor. It was found impractical to continue the office of *intendente general de hacienda*, in which General Whittier had succeeded General Greene when the latter left for the United States. The duties of the office as defined by the Spanish law were broader than the powers which were to be exercised by the American government, as it included matters relating to the entire islands, such as the customs and internal revenue. The Spanish colonial treasury had dealt with questions of general as well as local import. The funds of the insular government and of the city of Manila and the money which had been deposited in the treasury by private individuals had been commingled and could not easily be segregated. The laws of the military government were not operative beyond the limits of the territory under its control. The Spanish officials very properly claimed that financial matters which related to the islands generally, in which Manila was not immediately concerned, were still under their control. This dual control made the situation very difficult, and the military governor soon found it necessary to bring all financial matters within the direct control of his office.

<sup>1</sup> Aguinaldo managed to keep his men ignorant of the real situation. General Otis says that the insurgents marched out in excellent spirits, cheering the American troops. An eye witness gives the following account of an incident connected with the withdrawal. The Filipinos had requested that they be allowed to march up to the Luneta, the old Spanish execution grounds.

"Early on this morning that part of the insurgent forces which would make their departure by the Luneta began to move. The columns passed from the *Calle Real* into the *Calle Luis*, the rank and file in blue drilling, lead by the famous Pasig band of ninety pieces, and the column headed by Colonel Callies. Down to the Paco Road they went, to the *Calle Bagumbayan*, where they soon stood beside the wall where so many of their comrades had endured Spanish execution. As they passed the Wyoming regiment, cheer upon cheer was given by the Wyoming boys. It was an incident long remembered by the insurgents." Faust, *Campaigning in the Philippines*, p. 111.

The management of the Bureau of Internal Revenue also presented many perplexing problems. Operating under many decrees, of different dates, it issued *cedulas*, executed the stamp laws and the industrial regulations, and collected the money belonging to the city as well as to the central government. It was not easy to determine what particular taxes should be collected by the military government. Thus the railway tax, imposed by the Spanish insular government for services rendered in the island of Luzon, was not at first collected by the American government, as the services rendered by the railways were not confined to the city.

It was also thought to be doubtful whether the *cedulas* should be issued at all, because they were supposed to confer certain advantages upon the holders, such as the right to travel about the islands. The *cedulas* were, therefore, at first not collected, but the inhabitants demanded them so persistently, as a means of identification, that they were issued finally for a merely nominal fee.

The officers assigned to the work of civil government found themselves beset with all kinds of difficulties. The old Spanish system, which they had been set to operate, was extremely complicated. The accumulation of uncodified and often conflicting laws, orders and decrees, was not to be mastered in a day by military officers who had been trained under a different system of legislation and jurisprudence. The Royal Decree of 1894, under which the limits of Manila had been extended to include the adjacent villages of Ermita, Malate, Binondo, Paco and others, recognized and retained many of the usages and customs which for generations had formed a part of the native community life. Certain of the city offices had been made elective. Taxation was to some extent controlled by the municipal council, subject to the approval of the governor-general. It was found impossible to operate this kind of a city government, and municipal affairs were entrusted to the provost-marshal-general, who deposited all funds received from any source in the general

treasury and drew thereon for money to cover the necessary city expenditures.

Although Spanish sovereignty was supposed to continue, subject to the exigencies of military occupation, most of the Spanish civil officials abandoned their offices without transferring the property and records. The Spanish army officers neglected to make proper returns of their troops or to render lists of public property, as required by the capitulation. The Americans were, therefore, obliged to discover it and make their own inventories, and it was upon these that the property was finally returned to the Spaniards, as required by the Treaty of Paris.

Many of the judicial officers also vacated their positions and sailed for Spain without making provision for the care of the records of their courts. A proclamation of August 14 suspended the criminal jurisdiction of the *audiencia* and of the inferior local courts. On August 22 it was ordered that crimes committed by or against persons connected with the army should be determined by military commissions whose sentences were "to conform to the laws of war of the United States or of either of the states or the customs of war." In a few instances the Spanish judges opened their courts without previous consultation with the military authorities, but the protests of the Filipinos led to the issuance of an order that all proceedings should be suspended. The courts of first instance were then closed.

The *audiencia* claimed the right to remain open and determine civil and criminal cases which had been submitted to it on appeal before the surrender of the city, and the Spanish chief justice rather persistently urged this claim upon the military governor. He was informed that the rule that the ordinary civil jurisdiction of the courts was not displaced by military occupation was subject to the will of the occupying power, and that the functions of the *audiencia* had already been suspended by General Merritt's proclamation. Whether it was advisable to continue the suspension was a matter which was under consideration. It was suggested that if adequate assurances could be obtained that the resumption of its customary duties would not operate to

obstruct the operations of the government, the ban might be removed.

For a time the civil courts were all closed, and the people were subjected to serious inconvenience. After conferring with the chief justice and leading Filipino lawyers, General Otis concluded to authorize the old courts to reopen under certain restrictions. On October 7, 1898, therefore, an order was issued directing that

“the civil courts, as composed and constituted by the laws of Spain, which were held and administered prior to August 13, 1898, within Philippine territory now subject to United States military occupation and control, are permitted to resume at once the exercise of the civil jurisdiction conferred by Spanish laws within the limits of that territory; subject, however, to such supervision by the military government of the United States here instituted as in its judgment the interests of that government may demand.”<sup>2</sup>

But the restrictions placed on their functions were not satisfactory to the Spanish judges, and they gradually abandoned their work. During the rest of the period now under consideration substantially all judicial functions were exercised by provost-courts and military commissions.

The blockade had paralyzed trade and commerce, and the food supply of the city was rapidly becoming exhausted. Manila was then, as it is to-day, the commercial as well as the political center of the Archipelago. The trade relations of the islands were very close. In some instances they were dependent upon one another for the necessities of life. Certain sections cultivated rice; others tobacco, sugar or hemp; others raised live stock, which was exchanged for foodstuffs and other necessities. These products were the medium of exchange, and comparatively little money was used. The principal trade of Manila, and the transportation business generally, was in the hands of European and Chinese merchants, who were clamoring for the opening of the ports and the removal of the restrictions on interisland commerce. Large

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<sup>2</sup> *Otis Rept.* 1899, p. 12.

sums of money had been advanced by these people on the security of tobacco, hemp and sugar which awaited shipment to Manila. The harbor was filled with Spanish and other European shipping. The restrictions on trade elsewhere than at Manila were imposed by the Spanish government, which was at liberty to close the ports to outside commerce and influence if it chose to do so. But while the bulk of the Spanish forces were held as prisoners of war the insurrection had spread to all the islands including those occupied by the Moros. The Spaniards, under General Rios, were concentrated at Iloilo and Zamboanga. To the protests of the merchants General Otis replied: "A government almost in *extremis mortuis*, as certainly the Spanish government in the central Philippine Islands must be considered to be at present, has the lawful right to shut temporarily all of its ports, whether declared of entry or otherwise, and whatever the business interests of outside merchants, be they foreigners or citizens of its domain."<sup>3</sup>

An arrangement was made with General Rios under which vessels carrying the Spanish or American flag might, subject to the provisions of the Spanish law, trade between certain inter-island ports. But those flying the Spanish flag dared not enter the ports which were in the possession of the insurgents. The interisland commerce which was free and undutiable could not be thrown open to foreign ships. The result was that many of the ships which had formerly sailed under the Spanish flag made colorable transfers to American residents, complied with the consular regulations and received American registers.

The Spanish tariff regulations were complicated and very difficult to understand. The orders of the president required them to be maintained in force with as little change as possible. Even slight modifications were resented by the merchants who had made their arrangements and their purchases on the theory of the perpetuity of Spanish dominion. An executive order issued by the president on July 12, 1898, before the capture of Manila, directed that upon the occupation and possession of any ports

<sup>3</sup> *Otis Rept.* 1899, p. 45.

and places in the Philippine Islands by the forces of the United States, the tariff of duties and taxes therein prescribed should be levied as a military contribution.<sup>4</sup> This schedule also proved unsatisfactory, and on September 29 it was ordered that its enforcement should be postponed until November 10, and that, in the meantime, the existing tariffs and duties should be maintained, except that all goods and merchandise secured or purchased within the dominion of Spain since the declaration of war between Spain and the United States should be received upon the same condition as to tariff and duties as the goods and merchandise of neutral nations.

A careful revision of the tariff law was made by experts, and the new duties were made effective November 10, 1898. The revenues were collected thereafter under this schedule, with no more friction than was inevitable under the circumstances.

Some difficulties resulted from misunderstandings with the Spanish authorities over permits for trading at certain ports. By this time Aguinaldo's Malolos government was, in the language of General Otis, "reeling off decrees and constitutional provisions at a rapid rate." The insurgent government was greatly in need of money and obtained it by imposing an export duty of ten per cent. on all products shipped to Manila from ports in their possession. Under such conditions commerce naturally languished.

Much confusion was caused by the lack of proper prison records. The prisons were filled to overflowing with criminals and persons charged with various crimes. Many persons were found in Bilibid prison against whom no charges appeared of record. Some had evidently been thrown into prison on mere suspicion or for some personal reason, and simply forgotten. The pressure from friends and relatives for the release of prisoners was very great, and for a time any occupant of Bilibid seems to have

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<sup>4</sup> The Act of Congress, July 1, 1902, sec. 2, ratified, approved and confirmed the action of the president as set forth in the order of July 12, 1898, and subsequent amendments whereby a tariff of duties and taxes was to be levied and collected at all ports and places in the occupation and possession of the armies of the United States.



been given the benefit of the doubt and released on the slightest provocation. A number of notorious criminals were thus enabled to escape punishment. Subsequently greater care was exercised and each case was carefully investigated. This exercise of power to release prisoners who had been regularly convicted and sentenced before the capitulation of the city—that is, in effect, to retry the cases without the use of the original evidence—was, of course, without legal justification and was cited by the Spanish Commission at Paris as an act of sovereignty justified by neither the Peace Protocol nor the articles of capitulation.

Many difficult questions of a purely legal nature affecting the rights of individuals arose during this early period. The Spanish government had been in the habit of receiving from individuals various bonds and special deposits in trust or as security for the performance of personal obligations, and it was claimed that many of these deposits were in the safes and vaults which contained the public funds captured by the United States. Private persons promptly filed their applications for the return of money, bonds and securities which they claimed had been deposited in exchange for Spanish bonds which they had never received, or for the purpose of guaranteeing the performance of contracts which they had entered into with the government. The treasury books, in fact, showed many such deposits, some of which had been properly designated and placed in the vaults, so that ownership could be determined. The aggregate amount of these claims exceeded the funds in the treasury, and had they been recognized as an obligation of the United States would have left it in debt to the claimants. The latter were notified, however, that the title to all these funds had passed to the United States by capture, free from claims against the Spanish government, and that their contracts, although temporarily suspended, would revive against Spain upon the cessation of American military occupation and the return of the territory to Spain.<sup>5</sup>

<sup>5</sup> Letter of October 6, 1898, *Otis' Rept.* 1899, p. 37.

All pending claims for the refund of taxes, and these were many, were treated as demands against the Spanish government, in which the United States was not interested. The United States claimed all moneys and securities found in the Spanish treasury at the inception of the occupation as the property of the public enemy and did not acknowledge the validity of any liens asserted by the former subjects of Spain. Money in the treasury at the time it was surrendered to the United States was treated as public money which could not be paid out in liquidation of Spanish indebtedness of any kind. Only taxes which had accrued since August 13, 1898, were collected by the military government, and refunds could be made only out of such funds.

The estates of many individuals charged with treason had been embargoed and taken possession of by the Spanish authorities. The owners now sought vigorously, but unsuccessfully, to impose a liability for their property upon the United States government. Under the Spanish law the title to an embargoed estate remained in the individual owner, but the use and profit of the estate was vested in the Spanish government as long as the embargo continued in effect. The continuance of the embargo depended upon a pardon or the result of a trial. If the owner was convicted of the offense charged, his property was confiscated; if he was acquitted, it was returned to him. Turning the situation into terms of American law, the estate in such a case was held in trust by the Spanish government for its sole use and benefit with remainder vested in the parties formerly holding the unqualified fee and depending upon a contingency involving due conviction of the crime of disloyalty. The United States during its occupancy under the truce with Spain, which provided only for a temporary cessation of hostilities, was a trustee for Spain and "would be recreant to its trust should it knowingly divert without just cause under the law any properties which would again inure to the dominion of Spain upon a return of Spanish sovereignty." Should the possession of the United States be declared permanent, the question would present a dif-

ferent aspect. In the meantime the temporary occupancy of the United States did not impose upon it any obligation to redress or even to investigate alleged grievances of Spanish subjects against their government. All sequestered estates were, therefore, taken possession of by the provost-marshal and administered for the benefit of the United States, and in the final adjustment of affairs they were returned to their owners.

The Spanish military prisoners were a source of much annoyance and no little menace to the health and safety of the city. While the future of the islands was uncertain they could not be expatriated without the consent of both Spain and the United States. If Spain retained the islands, the troops would probably be needed there. Many of them were sick and required special care and consideration. The necessary articles and appliances were furnished by the Americans, and the health of the soldiers soon commenced to improve. But, having no employment, their conduct was such as to cause the Spanish officers, as well as the American authorities, considerable uneasiness. The old antipathy between the Spanish soldiers and the Filipinos, which during the early days of the occupation had been very intense, was rapidly succeeded by a friendliness which seemed rather unnatural. The Spanish soldiers were a trifle too anxious to fraternize with the insurgents, and their officers were required to keep the men better organized, as contemplated by the articles of capitulation. But their authority had been greatly diminished. A request by General Rizzo for authority to impose punishments authorized by the Spanish military code upon his troops was refused, as the Americans, being responsible for the care of the prisoners, felt that they must "see that they receive humane treatment in accordance with the dictates and spirit of their own military code." General Otis was authorized to permit Spanish officers who were disabled to depart for Spain, and a considerable number availed themselves of the privilege.<sup>6</sup>

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<sup>6</sup> Congress appropriated \$1,500,000 for the expense of returning Spanish prisoners and their families to Spain. *H. R. Doc. 264, 55th Cong., 3d Sess., p. 1*. According to Sastron (p. 563), 29,418 Spaniards were thus returned.

The disposition of the Spanish native troops held as prisoners presented serious difficulties. The Spanish authorities proposed to disband them, but this could not be permitted. About three thousand of these troops had deserted to the insurgents before the surrender of the city. Of those remaining, some came from the southern islands and others from the surrounding country; and all, after having served the Spaniards, were afraid to return to their homes. Ultimately the most of them were discharged at Manila and found their way into the insurgent ranks, where they became the most efficient of Aguinaldo's troops.

General Otis was in constant correspondence with the insurgent leader with reference to various matters. The Vatican and the Catholic world generally were much disturbed by rumors of the manner in which the Filipinos were treating their prisoners, and the United States was appealed to for aid in securing the release of the members of the religious orders and the nuns. The correspondence which resulted is very instructive to the student of Filipino character and illustrates well the lack of grasp which their leaders had on the principles of international law. General Otis, in a very fatherly and condescending communication replete with good but unappreciated advice, expressed the fear that the imprisonment of the Spanish clergy and nuns would create an unfavorable impression in the great world as to the nature of Filipino culture. General Aguinaldo in reply expressed his appreciation of the American's consideration for the reputation of his government and disclaimed any intention of holding nuns or women and children as prisoners. Such as were with his troops, he said, were free to go as their interests and desires dictated. As to the clergy and civil officials, he conceded that international law did not permit of their being made prisoners of war, but in this instance all of these people had borne arms against the Filipinos, and the friars had been the means of sending many patriotic Filipinos into banishment or to languish in prison. The friars, it was said, had cheated the government, the Vatican and foreign public opinion and had made themselves masters of the lives, honor and property of the people and were

the primary cause of the revolution. To free them would be neither just nor politic, as they would proceed at once to the work of inciting a counter-revolution. He, therefore, proposed to hold the civil officials until the deported and imprisoned Filipinos obtained their liberty, and the friars until the Vatican recognized the rights of the native Filipino clergy. The public interest and the peace of the Filipino people, according to Aguinaldo, required this, and "international law will have to give way before the just cause of a country of a million of souls, because this cause is one of humanity, civilization and progress. My people demand these measures, and I can not but comply with their will." Many who have occupied higher places in history than the Filipino chief have applied the same doctrine, while not so frankly stating it.

There was indeed respectable authority for the view that all who follow an army, including civil officials, newspaper correspondents and sutlers, may be made prisoners of war, and as General Otis' arguments proved ineffective, the subject was for the time abandoned.<sup>7</sup>

The sudden inrush of Chinese seemed to the new government to require special and immediate attention. Many of these people had retired to China during the revolution and were merely returning to their homes, while others were newcomers who were attracted by the prospects for trade under the new conditions. The Spanish laws in force at the time seemed inadequate to Americans, who thought of Chinese immigration in terms of Pacific coast sentiment. Thousands of the Chino-Filipinos were the descendants of ancestors who had settled in the Philippines generations, even centuries, before American occupation. They had intermarried with the Filipinos, and Chinese and Filipino and Spanish names were inextricably interwoven. Many of the leading men of the country carried in their physiognomy the unmistakable evidence of Chinese blood.

The Chinese controlled a great part of the leading business of the islands and during recent times they had been frequently

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<sup>7</sup> For the correspondence, see *Gen. Otis' Report*, 1899, pp. 22-29.

the holders of valuable concessions, particularly such as could only be obtained by liberal donations to Spanish officials. The lower classes were found in most of the occupations of life, except farming. While the Filipinos were normally indolent and not eager for wealth, the Chinese were always wide awake and very active. Notwithstanding this intermixture of the races and centuries of association, there remained considerable race antagonism.

The Chinaman, when away from home, has no political ambition and is always willing to take advantage of his neighbor's troubles to put money into his own purse. The common Chinamen were sympathetic Spaniards, Filipino patriots, or enthusiastic *Americanistas*, as the immediate circumstances seemed to require. But they were useful people in the Philippines, and it might have been as well to allow the existing Spanish laws to remain in force, at least until the future of the islands was determined. However, within a month after the occupation of Manila the laws relative to the admission of Chinese into the United States were by an order of the military governor made effective in the Philippines.<sup>8</sup> An oriental people, of all others the best adapted to aid in stimulating the slumbering resources of the country, were thus excluded by the application of principles which in the United States had been thought necessary to protect the white race against the competition of the yellow.

Soon after the treaty of peace was signed the Spanish authorities manifested great anxiety to close their affairs in the islands. Until the treaty was ratified it was impossible to make definite arrangements with reference to property matters, but the prisoners were gradually sent home, and on January 31, 1899, a board of officers<sup>9</sup> was named to act with a similar Spanish board to "clear the accounts of the Spanish government in

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<sup>8</sup> *Otis Report*, 1899, p. 34.

<sup>9</sup> Maj. Chas. McClure, Chief Paymaster; Maj. C. U. Guatenbein, Second Oregon Volunteers, and Lieutenant M. A. Hildreth, First North Dakota Volunteers. There were three Spanish boards. Sastron, the author of the Spanish history of the war, was president of the Spanish civil board. The reports of the American board are in *Otis' Report*, 1899, Appendix R, and *MacArthur's Report*, 1900, Appendix N.

the Philippines." This board commenced work immediately and after a great deal of labor secured the data upon which the final adjustment was made.

In the meantime the Spanish government of the islands was being administered by General Rios, from Iloilo, in the island of Panay. Rios realized that he might not be able to hold Iloilo against an attack of the insurgents and asked to be permitted to turn the city over to the United States authorities and retire to Zamboanga. He was informed that nothing could be done until the commission then sitting at Paris had determined the future of the Archipelago.

Soon after the treaty of peace was signed General Otis received a petition from certain merchants of Iloilo, asking for American protection. In response to a request for instructions he was directed from Washington to send the necessary troops to preserve the peace and protect life and property, but to be conciliatory, as it was "most important that there should be no conflict with the insurgents."<sup>10</sup> As the treaty of peace was not yet effective and the protocol suspending hostilities was in full force, the sending of this expedition was unauthorized. However, as the Spaniards and the merchants of Iloilo were requesting that American troops should be sent to take possession of the city, there seemed no particular reason why events should not be allowed to take their natural course. But the Spanish force evacuated Iloilo on December 24, and when, on December 28, General Marcus P. Miller, with two thousand five hundred American troops, arrived in front of the city, they found a native organization in possession and evidently in sympathy with the Malolos government. General Miller's original instructions, prepared before the evacuation by the Spanish was known, required him to be conciliatory but firm; to make no great display of force and to seek to gain possession by peaceable and leisurely negotiations.<sup>11</sup> If this course proved ineffective,

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<sup>10</sup> These instructions were dated December 21, 1898. The instructions to proclaim American sovereignty over the Archipelago bear the same date.

<sup>11</sup> *Otis' Report*, 1899, pp. 57-59.

he was to report to Manila and await instructions. He was now informed that under the changed conditions it was necessary to occupy Iloilo at once and that the manner of doing so must be left to his discretion, avoiding a conflict if possible, but accepting it if necessary.<sup>12</sup>

The government which the natives had set up at Malolos had passed under the control of the radicals, who favored a conflict with the Americans, and Aguinaldo hoped that it would be precipitated at Iloilo, where it would serve to fire the hearts of the Visayans, who thus far had been notably lukewarm in his cause. By the same token it was important from the American point of view to avoid hostilities at Iloilo. The treaty was under discussion in the Senate and the final vote was very uncertain. Admiral Dewey, with his usual good sense and caution, advised the abandonment of the movement, but General Otis, while favoring every possible effort at conciliation, declined to recall the troops.

General Miller reported that he found the city quiet. Had he acted with decision, the people would doubtless have acquiesced in American occupation, as they had made no provision for defense.<sup>13</sup> But they soon gained confidence and took their stand with the Malolos government. On the day of his arrival the general announced that the United States had succeeded, by virtue of conquest supplemented by treaty stipulations, to all the rights of Spain in the islands, and invited a conference with representatives of the people of Iloilo. A committee representing those in control replied that they must confer with Aguinaldo before acting, as any other course would endanger their lives and property. This privilege being denied them, they asked for time to consider the demand, and on December 30 submitted their final answer. It was signed by R. Lopez, as "President of the Federal Government of the Visayas," and an-

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<sup>12</sup> Gen. Otis to Gen. Miller, Dec. 28, 1898; *Otis' Report*, p. 60.

<sup>13</sup> One of the newspaper men who accompanied Gen. Miller's expedition stated (*Harper's History*, pp. 74-77) that he went on shore at once and found no troops in the town, and no flag flying. The insurgents evidently expected the troops to land.



nounced that "in conjunction with the people, the army and committee will insist upon our pretensions not to consent in our present situation to any foreign interference without express orders from the Central Government of Luzon, upon which we state once more that we depend, and with which we are one in ideas, as we have been until now in sacrifices."

The merchants who had petitioned for the troops had experienced a change of heart and now besought General Miller to consider their large interests and the results to them of a conflict between the Americans and the natives. Events in Manila and to the north were rapidly drifting toward a crisis, but General Otis was determined that hostilities should not be commenced by his troops, and General Miller was instructed to proceed slowly and await the progress of events.

Some time before the treaty of peace was signed Admiral Dewey recommended that in order to quiet the spirit of unrest the president should issue a proclamation in which he should announce the policy of the United States and explain to the Filipinos that it was the intention to interfere as little as possible in their internal affairs and to grant increased powers and privileges as fast as they were capable of exercising them—thus clearly outlining the policy which has since been pursued.

Immediately after the signing of the treaty of peace the president issued such a proclamation, in which the policy of the United States, as far as it had been determined, was announced.<sup>14</sup> General Otis on December 29 sent a translation of the proclamation to General Miller, who on January 6, 1899, published it at Iloilo. He reported to General Otis that a copy had been sent to the committee of the natives, but that no answer had been received. In fact, a public meeting had been held to discuss the proclamation and the intention announced of resorting to arms. General Miller reported "that the people laughed at

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<sup>14</sup> This proclamation was issued a month before the beginning of hostilities. Nevertheless Mr. Thayer (*Life and Letters of John Hay*, II, p. 137) says: "Even when the United States was engaged in wiping out certain tribes of recalcitrant Filipinos, the Major [McKinley] announced that we were bent on 'benevolent assimilation.'"

it (the proclamation). The insurgents call us cowards and are fortifying the old fort at the point of the peninsula and are mounting old smooth-bore guns left by the Spaniards. They are entrenching everywhere, bent on having one fight, and are confident of victory."<sup>15</sup>

General Miller remained quietly in front of Iloilo until after the beginning of hostilities at Manila on February 4. The *de facto* native government continued to administer civil affairs and collect the customs taxes, much to the disgust of the American officials designated for that purpose, who were required to remain on board the ships.

General Otis, recognizing that Iloilo was not in the legal possession of the Americans and that Spanish authority remained intact until the treaty was ratified and proclaimed, directed that the commerce of the port should not be interfered with, and this action was subsequently approved by the president.<sup>16</sup>

Unfortunately, the military government did not adhere consistently to this policy. The executive order of July 12, 1898, following the rule of international law and the ordinary practise of the American government, directed that tariff duties should be collected at ports *in the occupation and possession of the United States forces*. The occupation of the city, bay and harbor of Manila was provided for by the protocol of August 12, 1898. Until the exchange of ratifications of the treaty a technical state of war existed, but under the provisions of the protocol hostile operations could not be conducted by either belligerent. Beyond the city, bay and harbor of Manila the entire Archipelago was, in legal contemplation, in the possession of Spain. Cebu, like Iloilo, was in the actual possession of a *de facto* native insurgent government, which was collecting the duties on goods delivered at the port. The government at Manila in this instance disregarded the rule announced for the control of affairs at Iloilo and required a merchant at Manila to

<sup>15</sup> *Repts. War Dept.* 1899, I, Pt. 5, p. 328. John F. Bass' account of the Iloilo meeting in *Harper's Hist.*, p. 75.

<sup>16</sup> General Corbin to General Otis, Jan. 16, 1899; *Otis' Report*, 1899, pp. 86-87.

pay the duty a second time on a cargo of rice which he had shipped from Saigon, Indo-China, to Cebu. The Supreme Court of the United States finally held that this collection was illegal and that the amount collected should be returned to the shipper.<sup>17</sup>

The hasty publication of the president's proclamation at Iloilo was unfortunate in view of the fact that General Otis had decided that under the circumstances it required editing for local consumption. An unsuccessful effort was made to inform General Miller of this intention. The result was that the translation issued by General Otis at Manila differed from that published at Iloilo in that it omitted certain words and phrases which it was feared would tend to excite the natives. General Otis has been severely criticized for his action in respect to this proclamation. The remarkable thing is that in a matter of such importance and on which he and Dewey disagreed he should have acted without consultation with Washington.

"After fully considering the president's proclamation," he says, "and the temper of the Tagalogs, with whom I was daily discussing political problems and the friendly intentions of the United States government toward them, I concluded that there were certain words and expressions therein, such as 'sovereignty,' 'the right of cession,' and those which directed immediate occupation, etc., though most admirably employed and tersely expressing the actual conditions, might be advantageously used by the Tagalog war party to incite widespread hostility among the natives. The ignorant classes had been taught to believe that certain words, as 'sovereignty,' 'protection,' etc., had peculiar meaning, disastrous to their welfare, and signified a future political domination like that from which they had recently been freed. It was my opinion, therefore, that I would be justified in so amending the paper that the beneficent object of the United States government would be brought clearly within the comprehension of the people, and this conclusion was the more readily reached because of the radical change of the past few days in

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<sup>17</sup> *Macleod v. United States*, 229 U. S. 416 (1913), reversing 45 Ct. of Cl. 339.

the constitution of Aguinaldo's government, which could not have been understood at Washington at the time the proclamation was prepared."

Therefore, instead of printing the president's instructions in full, General Otis issued a proclamation of his own, in which he quoted the following language of the president:

"Finally, it should be the earnest and paramount aim of the Administration to win the confidence, respect and affection of the inhabitants of the Philippines by insuring to them in every possible way the full measure of individual rights and liberty, which is the heritage of a free people, and by proving to them that the mission of the United States is one of beneficent assimilation, which will substitute the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission, while upholding the temporary administration of affairs for the greatest good of the governed, there will be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands."

Speaking for himself, General Otis said:

"From the tenor and substance of the above instructions of the President, I am fully of the opinion that it is the intention of the United States, while directing affairs generally, to appoint the representative men now forming the controlling element of the Filipinos to civil positions of trust and responsibility, and it will be my aim to appoint thereto such Filipinos as may be acceptable to the supreme authorities at Washington. It is also my belief that it is the intention of the United States government to draw from the Filipino people so much of the military force of the islands as is possible and consistent with a free and well-constituted government of the country, and it is my desire to inaugurate a policy of that character. I am also convinced that it is the intention of the United States government to seek the establishment of a most liberal government for the islands, in which the people themselves shall have as full representation as the maintenance of law and order will permit, and which shall be susceptible of development on lines of increased representation and the bestowal of increased powers into a government as

free and independent as is enjoyed by the most favored provinces of the world."<sup>18</sup>

While the friendly and well disposed Filipinos were pleased with the proclamation, the militant element of the community received it with derision. The leading native newspapers denounced it as a mere subterfuge, designed to quiet the people until measures could be inaugurated to put into effect all the odious practises which Spain had employed. The radicals, General Luna and Señor Mabini, were at that time the dominating influences in the Malolos government. On January 5, 1899, Aguinaldo issued a proclamation which was nothing less than a declaration of war against the United States. After reciting his version of events from the time of his departure from Singapore, he said:

"My government can not remain indifferent in view of such a violent and aggressive seizure of a portion of its territory by a nation which has arrogated to itself the title, champion of oppressed nations. Thus it is that my government is disposed to open hostilities if the American troops attempt to take forcible possession of the Visayan Islands. I denounce these acts before the world in order that the conscience of mankind may pronounce its infallible verdict as to who are the true oppressors of nations and the tormentors of human kins."

A few days later, on June 8, another proclamation, addressed "To my brothers, the Filipinos, and to all the respectable Consuls and other Foreigners," was issued and published in certain Manila papers. In it Aguinaldo said:

"As in General Otis' proclamation he alluded to some instructions issued by His Excellency the President of the United States, referring to the administration of the matters in the Philippine Islands, I, in the name of God, the root and fountain of all justice, and that of all the right which has been visibly granted to me

<sup>18</sup> *Otis Rept.*, 1899, pp. 66-69. For the proclamations, see *Sen. Doc.* 331, pp. 776-8. For General Otis' testimony regarding the incident, see *Ibid.*, pp. 764-8. For General Miller's statement, see *Cong. Rec.* XXXV, Pt. 6, p. 6026.

to direct my dear brothers in the difficult work of our regeneration, protest most solemnly against this intrusion of the United States government on the sovereignty of these islands.

"I equally protest in the name of the Filipino people against the said intrusion because, as they have granted their vote of confidence appointing me President of the nation although I do not consider that I deserve such, therefore I consider it my duty to defend to death its liberty and independence.

"Finally, I protest against such an unexpected act of sovereignty of the United States in these islands, in the name of all the proceedings which I have in my possession with regard to my relationship with the United States authorities, which unmistakably prove that the United States did not take me from Hong Kong to fight the Spaniards for their benefit, but for the benefit of our liberty and independence, for which purpose the said authorities verbally promised me their most decided assistance and efficacious cooperation; and so should you, all my dear brothers, understand, in order that we may united act according to the idea of our liberty and independence, which were our most noble desires, and assist with your work to obtain our aim with the strength which our old convictions may afford and must not go back in the way of glory which we have obtained."<sup>19</sup>

This proclamation, printed in Spanish and Tagalog and widely distributed, produced a serious effect upon the people. The sentiment of antagonism toward the Americans now became practically unanimous. The few intelligent people who honestly believed that the Filipino people would be happier and more prosperous under a government imposed by the United States than under an experimental government conducted by inexperienced leaders and ambitious military officers swollen by their temporary importance were for the time silenced by considerations of personal safety.

A few days after the publication of the "beneficent assimilation" proclamation Aguinaldo, as the result of negotiations commenced some time before at the instance of conservative Fili-

<sup>19</sup> These proclamations are printed in *Otis' Report*, 1899, pp. 76-79. It seems that the first proclamation, which contained a virtual declaration of war, was as far as possible withdrawn from circulation. The second, while more rabid in tone, omitted that provision and modified the statement with reference to the alleged promise of independence. See Le Roy, I, p. 404.

pinos, appointed a commission to visit Manila in the interests of peace.<sup>20</sup> How sincere his desire for peace was is shown by a code of instructions to soldiers issued on the day of the appointment of the commissioners in which patriots were told to observe their fellow countrymen in order to see whether they are American sympathizers and "whenever they are assured of the loyalty of the converts they shall instruct them to continue in the character of an American sympathizer in order that they may receive good pay, but without prejudicing the cause of our country. In this way they can serve themselves and at the same time serve the public by communicating to the committee of chiefs and officers of our army whatever news of importance they may have."<sup>21</sup>

Numerous lengthy conferences led to the usual negative results. Mabini, who drew the instructions of the Filipinos and controlled their actions, desired the withdrawal of the American forces from before Iloilo and the recognition of independence under some sort of a protectorate. It was all very general and indefinite. The sovereignty of the United States was not a subject for consideration by military officers, and the insurgent commissioners, having nothing definite to offer, were helpless.<sup>22</sup> On January 29 the commissioners held their final meeting and adjourned *sine die*.

<sup>20</sup> The Filipino commission was composed of Florentino Torres, Eufrasio Flores and Manuel Arguelles. General Otis appointed Brigadier-General R. P. Hughes, Colonel James F. Smith and Lieutenant-Colonel E. H. Crowder to confer with them.

<sup>21</sup> *House Doc. 2, 56 Cong., 2nd Sess., Part 2, 200.* These instructions as to the method to be pursued by the Sandatahan (bolo men) within the city make interesting reading.

<sup>22</sup> *Sen. Doc. 331, 57th Cong., 1st Sess., pp. 2709-2751,* where the official minutes of the conference are printed. Aguinaldo gives some account of the negotiations in his *Reseña Verídica*. For the position of the conservative party at that time, see Judge Torres' statement, *Rept. War Dept., 1901, I, Part 4, p. 120.* General Otis wrote: "With the insurgent representatives it was one continued plea for some concession which would satisfy the people. One of them was a man of excellent legal ability, who had occupied an important judicial position at Cebu under the Spanish Government for a number of years. He had recently arrived in Manila, and on the invitation of Aguinaldo had visited Malolos. He was animated with a desire to restore harmonious relations, or at least to effect a temporary peace until the existing excitement could be allayed, when the people might listen to reason. He secured the appointment of Aguinaldo's board and was named thereon as the most important member, but he was so circumscribed by specific instructions that he could not accomplish anything. I charged him with playing a false

Two days previously Aguinaldo had notified General Otis that he had proclaimed the Philippine Republic and that it had been enthusiastically received by the people. With what under the circumstances was sublime impudence he expressed the sincere hope that the general would inform the United States government of his desire for the prompt recognition by the United States of the latest member of the family of nations.

War was now inevitable. The Filipinos knew that General Otis had been ordered not to begin the war. Their troops had become so arrogant that it was with the utmost difficulty that the American soldiers could be prevented from resenting their taunts and insults. Colonel Barry, the adjutant-general, was sent to Malolos to try and impress Aguinaldo with the dangers of the situation, but he was not accorded the honor of an interview. Mabini was gracious, but assured Barry that the people were greatly excited and could not be controlled beyond a certain point. While protesting friendliness and a desire for peace, Aguinaldo and his advisers had long before this determined to bring about a rupture. Within the city of Manila their agents were organizing the disaffected element into clubs and lodges, preparatory to an uprising in connection with the contemplated attack from without. By taunts and insults of every description it was sought to induce the American soldiers to become the aggressors.<sup>23</sup> It is

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part, basing the charge upon a knowledge of his legal acquirements. He confessed that he was fully aware of the untenable position he occupied, and was powerless under the circumstances. He was an adept at legal fiction and could discover pregnant both negative and positive in every international postulate." *General Otis' Report*, p. 83.

Señor Torres was subsequently appointed an associate justice of the Supreme Court and still holds that responsible position. He is universally respected by Americans and Filipinos.

See also *House Doc. No. 2, 56th Cong., 2nd Sess.*, Part 2, p. 202.

<sup>23</sup> In his report dated May 14, 1900, General Otis said: "I desire to correct an erroneous impression which appears to prevail . . . that war with the insurgents was initiated by the United States government, or that the attitude or conduct of its troops in Manila was the cause of hostilities, unless possibly it may be held that their failure to resent insult or punish hostile demonstration constantly recurring in their midst encouraged the already openly avowed enemy in the belief that it could easily slaughter them within the city which it had invested, and thereby incited him to action. War with the insurgents of



reasonably certain that a day was designated for an uprising, when the city was to be fired and all Americans put to the sword.

Early in January, 1899, Admiral Dewey suggested to the president that a commission should be sent from the United States to study the general situation in the Philippines and recommend a policy to be pursued. After consultation with General Otis, President McKinley appointed Jacob C. Schurman, President of Cornell University; Charles Denby, formerly United States Minister to China; Dean C. Worcester; Rear-Admiral George Dewey; and Major-General E. S. Otis, as the members of what became known as the Schurman Commission. At the time of the appointment of this commission no definite policy for the government of the islands had been adopted or even seriously considered by President McKinley. The United States in dealing with the Filipinos was still free to grant them independence, to establish a protectorate over them, to confer upon them a colonial form of government, or to admit them to the dignity of a territory or even a state in the Union. Nothing had been settled except that Spain should cede to the United States the sovereignty, which for three hundred years she had exercised over the islands.<sup>24</sup>

With conditions as they were in Manila it was inevitable that there would soon be a collision between the troops and the insurgents. The Americans were doing everything possible to prevent hostilities, at least until the arrival of the regular regiments that were on the way. The Filipinos had determined to declare war and attack the Americans. Their

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the Philippines was forced upon us and was unavoidable. No nation but the United States would have permitted an unfriendly force of large numerical strength to throw up intrenchments and erect fortifications in the immediate proximity of its troops, as did the insurgents during several weeks preceding their attack on Manila, without considering it an act of war and adopting measures to arrest it. By all law and approved precedent the United States would have been justified in arresting these insurgent demonstrations by demand, to be followed with the application of force if demand was insufficient; and had that course been adopted no wrong could have been imputed to the United States." *House Doc. 2, 56th Cong., 2nd Sess., Part 2, p. 199; Otis' Rept., 1899-1900, p. 3.*

<sup>24</sup> Schurman, *Filipino Affairs, A Retrospect and Outlook* (1902), p. 4.

troops were constantly pressing upon the American lines and apparently inviting trouble, with the officers encouraging instead of restraining them.

The spirit in which the leaders were acting appears in correspondence between General Aguinaldo and one of his best officers, Colonel Cailles. On January 10, 1899, the latter, who had taken up a position beyond the line which had been agreed upon, wrote that the Americans had requested him to withdraw his forces fifty paces, but he wrote, "I shall not draw back a step and in place of withdrawing I shall advance a little farther. He . . . brings a letter from his American General in which he speaks as a friend. I said that from the day I knew that Macquinley opposed our independence I do not want to have dealings with any Americans. War, war is what we want. The American after this speech went off pale." Replying to this Aguinaldo said: "I approve and applaud what you have done with the Americans and zeal and valor always, also my beloved officers and soldiers here. I believe that they are playing us until the arrival of their reinforcements, but I shall send an ultimatum and shall be always on the alert."<sup>25</sup>

Three days later Cailles desired to know the result of the ultimatum and also what rewards the government contemplated "for the forces that will be able first to enter Manila." The reply, in the handwriting of Aguinaldo, informed the gallant colonel that, "Those who will be the heroes will have as their rewards a large quantity of money, extraordinary rewards, promotions, crosses of Biak-na-bató, Marquis of Malate, Ermite, Count of Manila, etc., besides the congratulations of our idolizing country on account of their being patriotic, and more, if they capture the regiments with their generals, and if possible the chief of them all who represents our future enemies in Manila."<sup>26</sup>

Aguinaldo had for the moment evidently forgotten that

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<sup>25</sup> *Telegraphic Correspondence of Aguinaldo*, p. 39. Edited by Captain J. R. Taylor, pamphlet (1903).

<sup>26</sup> *Tel. Cor. of Aguinaldo*, p. 40.

his constitution prohibited the granting of titles of nobility. Probably he never took Mabini's paper government very seriously or even was aware of the contents of the elaborate documents that he signed at Mabini's dictation. It is certain that he never permitted such matters seriously to interfere with his projects, and had Cailles succeeded in capturing "the regiments with their generals" he would probably have secured his title of nobility.<sup>27</sup>

On February 2 a company of Filipinos deliberately came within the American lines and took possession of a small village, but on the demand of General MacArthur they were withdrawn. Notice was served on the commander that such violations of the agreement would not be thereafter endured. About 8:30 on the night of February 4 four Filipinos approached within five yards of an American outpost near the San Juan bridge and ignoring the command to halt were fired upon by the sentry. A Filipino detachment near by returned the fire, and the firing soon became general along the entire line. In the early morning the naval ships began sending shells into the Filipino lines. During the day of the fifth, which was Sunday, there was severe fighting. The Americans advanced steadily, and by evening the Filipinos had been driven from their lines and were badly demoralized. The American loss was fifty killed and one hundred eighty-

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<sup>27</sup> In this connection an entry in the interesting diary kept by Simeon Villa, one of Aguinaldo's companions in his flight toward the mountains, throws a flood of light upon the character of Aguinaldo. "On a moonlight night," records the diarist, "the honorable President (and others) were discussing the matter; and once the independence of the country is declared, we shall take a trip to Europe with an allowance of a million dollars to pay our expenses." On another occasion, "After supper the honorable President in conversation with B. and V. and Lieutenant Carrasco, told them that as soon as the independence of the country was declared, he would give each one of them an amount of land, equal to what he himself will take for the future of his own family; that is, he will give each one of the three men 13,500 acres of land as a recompense for their work. . . . In all probability they will be located in the San José Valley, Province of Nueva Ecija, and the principal products will be coffee, cacao, sugar, rice, and cattle."

This diary was published by the government in 1902 under the title of *Flight and Wanderings of Emilio Aguinaldo*. See *Senate Doc. 331, 57th Cong., 1st Sess., Part 3*, pp. 1980-2060.

four wounded. General Otis estimated the enemy's casualties at three thousand, but no exact figures were available.

The fact that the outbreak occurred just before the date set for the vote in the Senate on the ratification of the treaty with Spain was probably a mere coincidence, but to the suspiciously inclined it suggested design. The Anti-Imperialists and their friends in the Senate, ever ready to think the worst of their countrymen, charged that the conflict had been deliberately brought on by the Americans in order to influence the vote on the treaty.<sup>28</sup> There is no credible evidence to show that the Filipinos timed the attack with reference to the vote on the treaty. Their representatives abroad certainly had advised an attack before the arrival of the American forces, and Agoncillo hurriedly left Washington for Canada on the night of February 4, under circumstances which suggested flight. But there is nothing to show that he had any information other than what he could have acquired from a New York newspaper which published an account of the outbreak about midnight of February 4.<sup>29</sup> Having learned of the attack, Agoncillo probably thought it advisable to be in Montreal instead of Washington. The circumstances of the firing at San Juan bridge were inconsistent with the theory of a pre-arranged incident advised by Agoncillo to intimidate the Senate by knowledge that the Filipinos intended to go to war. The Filipinos at that particular hour were unprepared for attack or defense. The expected battle came when they were off their guard, most of the higher officers being absent at Malolos or enjoying themselves at various entertainments in the vicinity. However, Aguinaldo had the draft of a declaration of war ready, and

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<sup>28</sup> See the speeches of Sen. Rawlins, April 23, 1902. *Con. Rec.*, XXXV, Part 5, p. 4573, and Sen. Patterson, *Ibid.*, p. 5915. The attempt to manipulate the records to the discredit of the American authorities was a failure. See the record contained in a speech by Sen. Spooner, *Cong. Rec.*, XXXV, Part 6, pp. 6107-6108.

<sup>29</sup> Manila is 13 hours west of Washington. Otis' message, filed at Manila at 8:32 A. M., February 6, was received at Washington at 10:52 P. M. on February 5. The *New York Herald* contained the first news before midnight of February 4, which was February 5 in Manila.

“at the first tick of the telegraph reporting the trouble in front of Manila, it was reeled off the old press at Malolos.”<sup>30</sup>

<sup>30</sup> Le Roy, II, p. 19, note. For this document see *Otis' Report*, 1899, p. 95, *Sen. Doc. 208*, Part 1, pp. 104–106. A facsimile of the original declaration is in *Harper's History*, p. 123.

## CHAPTER XVII

### The Filipino Rebellion and the Days of the Empire

Nature of the War—Filipinos Misjudged—Aguinaldo at Zenith of Power—The Malolos Congress His Creature—Character of Leaders—Encouraged and Misled by Americans—Democrats Vote Supplies for War—Bitter Opposition by Anti-Imperialists—Military Situation at Manila—State Volunteers Remain—New United States Volunteers—Campaign to the North—Capture of Malolos, Calumpit and San Fernando—Minor Movements Near Manila—Lawton's Campaign Toward San Maguil de Mayuma—Fight at Zapote River—Situation in the Vasayas and to the South—The Occupation of Jolo—Spanish Relations with Moros—The Bates Agreement—The Republic of Negros—Special Military Government—Arrival of Schurman Commission—Negotiations with Insurgents—Statement of American Intentions—Efforts at Conciliation—The Insurgents Confident of Foreign Intervention—Aguinaldo Inclined to Peace—Influence of Mabini and Agoncillo—The Congress Votes for Peace—Pacification in Sight—Reversal of Policy by Luna—The End of Filipino Government—Negotiations for Peace End in Failure—Military Despotism—Final Campaign in the North—Searching for the Enemy—Escape of Aguinaldo—Death of General Lawton—End of Organized Warfare—General MacArthur Succeeds General Otis—Character and Work of General Otis—New Phase of the Insurrection—Guerrilla Warfare—Attitude of Municipalities—People of Luzon Support Guerrillas—Beginning of Educational Work.

The attempt by the Filipinos to overthrow the American power in the Philippines is commonly referred to as an insurrection. It was, in fact a rebellion. Its legal *status* was correctly stated by Apolinario Mabini, the "brains of Aguinaldo's government"—in an article published in *La Independencia* after he had retired from Aguinaldo's cabinet. "Our present war with the Americans," he wrote, "is in fact and in law a revolution, and not an international war, because at no time did we ever succeed in expelling either the Spaniards or the Americans who took the place of the former. It can not be denied that the Treaty of Paris legitimates the grant to the United States of the right of Spain to the Philippines, . . . it is also unquestionable that were

it not for the cession, Spain could, if she felt sufficiently strong again, lawfully make war upon us to recover her old empire, unless she be obliged to recognize our independence."

After thus recognizing the title of the United States and the legality of her use of force to suppress the revolt Mabini adds: "We here use as the criterion of legality not absolute but relative justice, established by tacit concurrence of the Great Powers, baptized by the pompous name of International Law for their own glory and aggrandizement and to the prejudice and ruin of weak nations." Rebelling thus against the lawful authority of their sovereign, they were like all other rebels, obliged to appeal to principles asserted to be over and beyond the law and to justify their actions by the successful use of force.

When the Schurman Commission was appointed the war with Spain was over, and it was expected that most of the army would soon be returned to the United States. The commission was instructed to study conditions and recommend a suitable government for the people. This work had now to be subordinated to purely military considerations.

The general situation was decidedly unpleasant. The efforts of the Americans in Manila to avoid an armed conflict had failed. The war was a sort of by-product of the war with Spain.<sup>1</sup> And yet it came as a surprise to most Americans. That these people, insignificant in numbers and resources, would seriously attempt to oppose the military power of the United States did not seem within the range

<sup>1</sup> The idea prevailed very generally that the uprising might have been prevented if the situation had been handled with greater firmness. Mr. Whitelaw Reid, in an address at Princeton University in the autumn of 1899, on *Our Duty in the Philippines*, said that the difficulties then existing in the islands were largely of our own making. "We have not the knowledge to say just who, or whether any man or body, is wholly at fault. What we do know is that the course of hesitation and inaction which the nation pursued in face of an openly maturing attack was precisely the policy sure to give us the greatest trouble, and that we are now paying the penalty. If the opposite course had been taken at the outset,—unless all the testimony from foreign observers, and from our own officers is at fault,—there would have been either no outbreak at all, or only one easily controlled and settled to the gen-

MAJOR-GENERAL LEONARD WOOD









of reasonable probability. They had fought well against the Spaniards, but they had shown no special military capacity. The general feeling of the army and navy toward them was that of condescending tolerance. Their qualities and characteristics were misjudged even by those who were presumably best qualified to judge. The American military leaders were without experience with Malays, but in one respect their instincts were more nearly correct than the reasoned theories of the civilians. They knew the value of firmness and decisiveness in dealing with such people. But all equally misjudged the resisting qualities of the Filipinos and attached excessive importance to the efficacy of fine phrases and fervid assurances of good intentions. Mr. John Foreman, an Englishman who had lived in the Philippines for many years, informed the Peace Commission at Paris that the Tagalogs were of an easy plastic nature and could easily be induced to accept a new system of government. The Visayans, he thought, would require more pressure. General Merritt advised the Peace Commission that the Filipinos would submit to American government without serious opposition. The reverse of all this proved to be the truth. The Tagalogs were not plastic; they refused to accept American sovereignty, and the Visayans required the least pressure.

While the Americans were pursuing a policy of patience, conciliation and abnegation, the Filipino leaders were busily engaged in consolidating their power and extending the scope of their influence. The government which they erected on paper was designed for effect and for use in the future rather than the immediate present, when military considerations were all-important. Aguinaldo was at the zenith of his power. Attempts at rebellion against his authority had been ruthlessly suppressed. The Congress of Malolos was ready to make him dictator. Manila, although governed by the Amer-

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eral satisfaction of most of the civilized and semi-civilized inhabitants of the islands." *American and English Studies*, I, p. 180.

iscans, was so completely under his influence that on the days named by him for celebrations and *fiestas*, all doors were closed and business was suspended. His governors ruled in most of the provinces. Even to the south the Visayans, after some hesitation, had very generally accepted his authority. From enthusiastic individuals in Europe there came to Aguinaldo greetings and assurances of the "sympathy of all liberal and noble nations."

It is idle to assert that the mass of the people of Luzon and the central islands were not at that time in sympathy with the attempt to drive the Americans from the country and establish an independent government. How and by what methods they had been brought to that way of thinking is not at present very important. During such social upheavals majorities are often less important than minorities. In fact, revolutions are generally the work of able, active and energetic minorities, and in the beginning the revolt against American power in the Philippines was no exception to this general rule.

The Filipino leaders were probably as patriotic and disinterested as are most revolutionary leaders, and among them were about the same proportion of demagogues, self-servers and ambitious upstarts as are connected with all popular uprisings. Very little that is complimentary can be said of the political judgment and good sense of the Filipino leaders. They were shrewd, skilful politicians who took advantage of the presence of the Americans in the Philippines, but they misjudged the magnitude of the enterprise in which they engaged. They were inexperienced, and generally ignorant and they overestimated the part they were playing in the history of the world. They believed that European nations were greatly agitated by the contest in the Philippines and that the great Powers would certainly come to their assistance. They thought that the eyes of the world were upon them, and Aguinaldo and his group of impromptu statesmen and generals for their brief day strutted about the remote islands believing that they were actors upon a

great world stage. They were also possessed by the idea that the majority of the people of the United States and even of the soldiers of the army privately justified them in their uprising.

And there was some justification for this illusion. Many American newspapers, without much more sense of proportion than that possessed by the Filipinos themselves, were calling Aguinaldo the "savior of his country" and "the Washington of the Orient." Enterprising editors solicited his views on the issues of the day for publication in America and political managers informed him that his influence would be of material value in the coming presidential election in the United States. Having no proper standard by which to measure the value of such expressions, Aguinaldo and his advisers, not unreasonably, attached undue importance to them and fatuously threw the gauge of battle at the feet of one of the great Powers of the world.

The sovereignty of the Philippines, having passed to the United States, it was necessary that order should be restored. The nation had no other reasonable choice. It was an unpleasant task, but it had to be performed. The Democratic leaders, having aided in determining the immediate policy of the country by voting for the ratification of the treaty with Spain, were not in a position to oppose the legislative measures which were necessary in order to suppress the revolt. The attempt to keep the immediate question of supporting the war measures distinct from that of the general policy of the future was only partially successful. As the campaign in the Philippines advanced, the Anti-Imperialists became daily more violent, illustrating by their conduct the extremes to which men are sometimes driven by circumstances which, to their great disgust, they are unable to control.<sup>2</sup> Some of them worked themselves into that condition of mind where

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<sup>2</sup> Senator Hoar supported the administration during the war with Spain and attacked his old friend Norton for advising Harvard students that it was not their duty to enter it. For the correspondence, see *Life of Charles Eliot Norton*, II, Appendix D, p. 457 (1913).

facts lose their importance. They were determined to believe only the worst of their countrymen who were fighting in distant lands. They were avid for evil reports. Having by a process of reasoning from general principles reached the conclusion that only evil could result from the policy of the administration, they refused to allow their conclusions to be disturbed by mere facts. They were in the condition of mind of Lord Palmerston when he said, with reference to the Turks, that he "believed all that was said on the one side and nothing upon the other, and no arguments or facts could shake his convictions."

Carl Schurz wrote to Charles Francis Adams:<sup>3</sup> "I have carefully and laboriously studied what has happened in all its details and bearings, and that study has profoundly convinced me that the story of our attempted conquest of the Philippines is a story of deceit, false pretenses, brutal treachery to friends, unconstitutional assumption of power, betrayal of the fundamental principles of our democracy, wanton sacrifice of our soldiers for an unjust cause, cruel slaughter of innocent people and thus of horrible blood guiltiness without parallel in the history of republics; and that such a policy is bound to bring upon this republic danger, demoralization, dishonor and disaster."<sup>4</sup>

This picture of despair would not be complete without a sample patch from the poets.

"Tempt not our weakness, our cupidity,"

pleaded William Vaughn Moody in his *Ode in Time of Hesitation*.

<sup>3</sup> Bancroft's *Life of Schurz*, III, p. 446. See also Schurz's Speeches at the University of Chicago on January 4, at Philadelphia on April 7, and at Cooper Union, September 28, 1900.

<sup>4</sup> Charles Eliot Norton wrote to Frederick Harrison that the accession to the presidency of Mr. Roosevelt might result in a change of policy, as he was not, like McKinley, "possessed of a cruel spirit of Christian self-righteousness." This war of ours "is even more criminal and in a profound sense more disastrous than the war in South Africa." *Life and Letters of Charles Eliot Norton*, II, p. 312.

"It is all a miserable affair, a kind of world's comi-tragedy with a beginning of fine humanitarian pretensions." *Ibid.*, p. 281.

"For, save we let the island men go free,  
 These baffled and dislaureled ghosts  
 Will curse us from the lamentable coasts  
 Where walk the frustrate dead.  
 . . . Oh ye who lead  
 Take heed!  
 Blindness we may forgive, but baseness we will smite."

For the soldier fallen in the Philippines the poet was willing to

"Let the great bells toll  
 Till the clashing air is dim.  
 Did we wrong his parted soul  
 We will make it up to him.  
 Toll! Let him never guess  
 What work we set him to,  
 Laurel, laurel, yes;  
 He did what we bade him do."

To the soldier his meed of praise, but never a whispered hint but that the

" . . . fight he fought was good;  
 Never a word that the blood on his sword was his country's own heart's blood."<sup>5</sup>

Nevertheless the country went quietly and seriously about the work of suppressing the revolt and restoring order in the Philippines.<sup>6</sup>

It does not fall within the scope of this work to give a detailed account of the military operations which resulted

<sup>5</sup> *Poems and Poetic Dramas*, pp. 25, 29, Boston, 1912.

<sup>6</sup> Under date of November 29, 1898, John Hay wrote to Whitelaw Reid, then a member of the Peace Commission, "There is a wild and frantic attack now going on in the press against the whole Philippine transaction. Andrew Carnegie really seems to be off his head. He writes me frantic letters, signing them 'Your Bitterest Opponent.' He threatens the President, not only with the vengeance of the voters, but with practical punishment at the hands of the mob. He says henceforth the entire labor vote of America will be cast against us, and that he will see that it is done. He says the Administration will fall in irretrievable ruin the moment it shoots down one insurgent Filipino. He does not seem to reflect that the Government is in a somewhat robust condition even after shooting down several American citizens in his interest at Homestead. But all this confusion of tongues will go its way. *The country will applaud the resolution that has been reached, and you will return in the rôle of conquering heroes with your 'brows bound with oak.'*" Thayer's *Life of John Hay*, II, p. 198.



in the destruction of Aguinaldo's army and the suppression of the insurrection. A brief reference to the general course of events must suffice.

At the time of the outbreak, General E. S. Otis had at Manila about fourteen thousand men ready for active service. General Aguinaldo had between twenty and thirty thousand fairly well armed men and an indefinite number of irregulars, armed with bolos and other primitive weapons. The terms of enlistment of the state volunteers would expire when the treaty of peace was ratified and they would then become legally entitled to their discharges.<sup>7</sup> The volunteers had not enlisted to fight insurgents, but under the circumstances it was impossible to send them home, and they were simply held until new regiments could be organized and sent to the islands. The soldiers generally submitted gracefully to what they regarded as a patriotic duty.<sup>8</sup>

After the fighting on February 5, 1899, the Americans waited as patiently as possible for reinforcements to arrive. It was necessary to hold the waterworks, upon which the city was dependent, and as its location was far in advance of the line and exposed to flank attacks, measures were taken to drive the Filipinos from the vicinity of Pasig. This was accomplished by a provisional brigade under the command of Brigadier-General Lloyd Wheaton. There was also more or less constant irregular fighting along the entire line.<sup>9</sup> On February 22, the insurgents made a determined attempt to burn the city of Manila. In this they came very near being successful, as a number of them succeeded in entering the city and burning a large part of the Tondo district.<sup>10</sup>

<sup>7</sup> The treaty was ratified April 11, 1899.

<sup>8</sup> President McKinley in his message to Congress December 5, said: "I recommend that Congress provide a special medal of honor for the volunteers, regulars, sailors, and marines who voluntarily remained in the service after their terms of enlistment had expired." See also Alger's *The Spanish-American War*, pp. 374-5.

<sup>9</sup> General Frederick Funston in his interesting *Memoirs of Two Wars* gives a graphic account of events on the line during this period.

<sup>10</sup> *Rept. War Dept.*, 1899, I, Part 5, 6-20. Testimony of Gen. Hughes. *Senate Doc. 331*, pp. 506, 507. Luna's Report, *Tel. Corp. Aguinaldo*, pp. 46, 47, is absurdly inaccurate.

Aguinaldo's army under General Luna was concentrating for the protection of his capital at Malolos. Early in March Congress authorized the enlistment of thirty new regiments of National Volunteers, to be organized without reference to states, and officered by the president of the United States. While they were organizing, regiments of regulars were rushed to Manila, and by the latter part of March the Eighth Army Corps, under Major-General E. S. Otis, twenty-four thousand strong, was ready to take the offensive. The second division, under Major-General Arthur MacArthur, was north of a line which extended from a point on the bay near Caloocan, eastward from La Loma Church to the *Deposito* and the waterworks, and thence to the Pasig River at San Pedro Macati. The First Division, under Major-General H. W. Lawton, held the country south of the Pasig River.

On March 25 MacArthur's division moved northward for the capture of Malolos. The brigades of Brigadier-General Irving Hale and Brigadier-General Harrison G. Otis were in advance, with that of General Wheaton in the rear as a support. The line of advance covered about eight miles. The country was low and marshy, intersected by numerous tidal estuaries. From the shore of Manila Bay the land here rises gradually toward the east. Beyond Caloocan the foothills fall away and a wide and fertile valley extends northward through which flow numerous sluggish and troublesome rivers. Beyond the swamps the country was densely populated and highly cultivated. The villages which nestled among the bamboo thickets and banana plantations housed an astonishing number of people. The streams were lined with dense clumps of bamboo trees, which made perfect cover for troops acting on the defensive. Much of the country was devoted to the cultivation of rice, and during the wet season it was impossible for troops to pass over it. A rice field is laid out like a checker-board, the lines being drawn by narrow embankments of earth from two to three feet in height. In the planting and growing season the intervening spaces are covered with water, in which the plowing is done and the rice

is cultivated. During the dry season the ground bakes hard, and the embankments make very good defensive works.

The roads which ran through the country were mostly of a primitive character and soon became impossible for the passage of troops. The embankment of the railroad which ran north from Manila to Dagupan was used as a highway by both American and Filipino troops. The latter took full advantage of the natural defenses of the country. During most of the march of twenty miles from Manila to Malolos the army moved in line of battle. Although there was constant fighting there were no general engagements of massed troops. Crossing a river was often a serious undertaking, but in no instance were the Filipinos able to more than delay the steady advance of the American troops. The Filipinos, who were armed with Mausers, were able to do effective execution while out of range of the Springfield rifles with which the American volunteer regiments had been supplied by a generous and wealthy country. After seven days of hard marching and almost continuous fighting the Americans entered Aguinaldo's capital city.<sup>11</sup>

In possession of Malolos, MacArthur rested quietly for several weeks. The Filipino lines had been pushed back a few miles, but otherwise conditions were not materially changed. The enemy was as active as ever. When the Americans advanced, they retreated; when the Americans retired, they advanced.

From Malolos north the next important place was Calumpit, which Buencamino had marked for "the sepulture of the Americans." In the possession of trained troops the place would have been very difficult to capture. The Filipinos had taken every advantage of the natural features of the locality and defended it with courage. The town lay in a rectangle formed by the railroad, the Rio Grande de la Pampanga, the Calumpit and Bagbag Rivers, which were supposed to be unfordable. The railroad embankment had been gashed with trenches cut across

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<sup>11</sup> Col. Harry C. Egbert, in command of the 22nd Infantry, was killed near Malinta.

and thus converted into formidable defensive works. The Filipinos had twelve thousand well-armed troops and several pieces of good modern artillery. Before reaching Calumpit General Hale's brigade fought a severe battle at Quingua, where Colonel Stotsenberg of the Nebraska regiment was killed. After severe fighting and under a heavy fire the troops finally crossed the Calumpit River. Wheaton's brigade advanced along the railroad embankment. A span of the bridge had been destroyed by the Filipinos, and a few officers and men gallantly swam the river just as Hale's men, who had found a ford, approached and assisted in driving the Filipinos out of the entrenchments. The Americans were now in possession of Calumpit, but the Filipinos were still in force on the north bank of the broad and deep Rio Grande, where they had constructed elaborate field fortifications. Near the end of the railroad bridge they had three pieces of artillery and one rapid-fire gun. Under a heavy fire Privates White and Trembley of the Kansas regiment swam the river and fastened a rope to a stake on the Filipino entrenchments, by means of which rafts loaded with troops were pulled across. They were soon in possession of the Filipino works.<sup>12</sup>

On May 4 the northward movement was continued over a country which was more difficult than any that had previously been encountered. "It is," wrote a correspondent, "a country which only an adventurous huntsman would venture over in search of the wildest fowl that inhabited its dark fens—a land of moors and tarns difficult to cross in most peaceful times—a horrible place for an army with artillery, baggage and accoutrements and with an entrenched enemy to dispute the passage through every river and swamp. Into this country of desolate moors and dangerous bogs the American army now plunged."

The enemy was resourceful and active. At one place the road

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<sup>12</sup> Gen. Funston's *Memories of Two Wars*, pp. 281, 282, says: "I had initiated this enterprise and felt that I must see it through. I could not but consider the outcome as doubtful and knew mighty well that if I should send a small force across and sacrifice it I would be damned in my home state all the rest of my life and held up to scorn by all the corner-grocery tacticians in the country." So the colonel of the regiment, with eight men, crossed on the first raft.

as it approached a stone bridge was found to be honeycombed with conical pits, in the bottoms of which sharp bamboo stakes were stuck, the whole covered with bamboo nets over which earth had been carefully spread. At one point where the Filipinos made a stand, the troops advanced through swamps waist-deep, across mud-bottomed esteros, in which they often sank to their waists, under a galling fire, until they had thus crossed eleven such streams.

On the night of May 4 General Luna abandoned San Fernando Pampanga, after burning much of the town,<sup>13</sup> and on the following day it was occupied by the Americans. On May 16 General Funston, who had been promoted, relieved General Wheaton in command of the First Brigade. The advance north now ceased for a time, but there was almost constant fighting in the neighborhood of San Fernando. On July 16 the Filipinos in force made a determined attack on the place, but, as usual, were driven off with heavy loss.

While these operations were going on in the north, General Hall, who had remained in command of the troops near Manila, captured the mountain town of Antipolo and drove the Filipinos from the Morong Peninsula. During the early part of April General W. H. Lawton led an expedition up the Pasig River and about the shores of the Laguna de Bay, with no results other than the acquisition of a certain amount of geographical information.<sup>14</sup>

While General MacArthur was preparing to advance on Calumpit, his flank and line of communication were seriously threatened by the Filipinos operating from the east. General Lawton was now recalled to Manila and placed in charge of an expedition which was to proceed north along the base of the mountains east of MacArthur's position, and thus support him by striking the extreme right of the Filipinos and preventing the concentration of their forces. It was anticipated that these move-

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<sup>13</sup> Luna generally burned the towns before retreating, injuring only his own people.

<sup>14</sup> Lawton's Report, *Rept. War Dept.*, 1899, I, Part 5, pp. 20-74.

ments would drive the insurgents out of the Tagalog provinces and into the north country, where the people were supposed to be unfriendly to them. Lawton started on April 22, and after a march through very difficult country, during which he had a number of spirited engagements, reached Baluiag, where he was detained for several days while MacArthur was trying to locate the elusive enemy. On May 14 Lawton advanced and captured San Maguil de Mayuma. From there he moved rapidly on to San Isidro, of which he took possession on May 17. Aguinaldo, who, with what was left of his government, had been at San Isidro, now retired to Cabanatuan, a few miles to the northeast. Soon thereafter the most of Lawton's troops were sent to join MacArthur at Calumpit, and he returned to Manila.

General Otis had not deemed it necessary to hold possession of the country between Manila and Cavite, and on the withdrawal of the American troops it had been promptly reoccupied by the Filipinos. By June they had become very demonstrative, and it was thought necessary to throw them back again. They had constructed strong works in front of San Pedro Macati and at Parañaque, on the bay south of Manila. With four thousand men General Lawton, after a severe preliminary fight on the Bacour road, found the Filipinos strongly entrenched at the Zapote River, where during the insurrection of 1896 they had defeated the Spaniards. Here on June 13 Lawton fought one of the severest engagements of the war, driving the Filipinos out and thus clearing the way from Manila to Cavite.<sup>15</sup>

The southern islands were also gradually brought under control. The Visayans, except in the island of Panay, never offered any very serious organized resistance. Aguinaldo's agents were active and secured their formal adherence to the Philippine Republic, but the insurrection as a military proposition was never so formidable in the south central islands as in Luzon. Iloilo was taken on February 11, after it had been set on fire by the Filipinos.<sup>16</sup>

<sup>15</sup> *Rept. War. Dept.*, 1900, I, Part 5, pp. 273-385.

<sup>16</sup> Claims for damages caused by fire were subsequently made to the United

The mixed Filipino population which occupied the northern shores of the great Moro island of Mindanao cast their lot with the Tagalogs. At Zamboanga the Moro, Tagalog and Visayan factions struggled with one another for control. In the spring of 1899 the insurgents at Zamboanga seized several Spanish gunboats and thus obtained possession of a number of quick-firing guns, rifles and much ammunition. In November the faction which then had the upper hand delivered Zamboanga to one of the American naval officers.

Early in the year 1900 American troops were sent to Cottabatu, Basilan and Davao. At Cottabatu the Moros rose against the Filipino agents, established a government of their own and with conscious merit notified the Americans that they had destroyed their tormentors and hoped for their reward in the favor and protection of the United States.

Evidently the Spaniards who were stationed in the southern islands did not expect to be immediately relieved by American troops, as soon after the treaty of peace was ratified they delivered the town of Siassi to the Sultan of Sulu, and were preparing to deliver Jolo to the same eager potentate, when, in May, 1899, General Otis, much to the disgust of the sultan, sent a regiment of infantry to the Moro country. The sultan, who had recently returned from a journey to Mecca and was residing at Siassi, did not respond with enthusiasm to an invitation to call on the American commander at Jolo. Although friendly relations were finally established, the situation throughout the entire southern archipelago was dangerous and unsatisfactory. Early in July General Bates was directed to establish some kind of a working agreement with the sultan. He found this *quasi* monarch under the delusion that after the departure of the Spaniards he had become a real sovereign. Spanish sovereignty over the Sulu Archipelago had been conceded in numerous treaties to which European states were parties, and in 1878 the sultan, in consideration of certain money payments, had acknowledged

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States government by foreign residents of Iloilo, but were disallowed. See *For. Rel.*, 1903, pp. 479-483.

that fact and agreed to become a loyal Spanish subject. As the United States had succeeded to the rights of Spain, her sovereignty over the country could not be questioned. But Spain had granted certain special privileges to the sultan which left him with some semblance of sovereign rights, and the American government thought it advisable to recognize and continue these concessions. Spain had never pursued a definite policy with regard to the sultan, his dominion, or the trade of the Archipelago, and great uncertainty existed as to the extent and nature of the obligations which she had assumed.

General Bates was instructed to arrange to continue the money payments to the sultan according to the terms of his agreements with Spain, to promise not to interfere with the religion or the social or domestic customs of the people, to respect the rights and dignities of the sultan and his advisers, to protect the sultan and his people from interference by foreign nations, and to agree that the United States would not interfere in the internal economy and political administration of the country unless in response to requests for assistance and guidance. But the United States must exercise absolute control over the places which it actually occupied. The sultan was, among other things, required to acknowledge the sovereignty of the United States, to fly the American flag, to permit the United States to occupy and control such places on the island as it deemed advisable, to suppress piracy and crime, and to prevent the purchase of rifles by his people.

The sultan, who was also sultan of North Borneo and in receipt of a substantial *honorarium* from the North Borneo Trading Company, had rather lofty ideas of his earning capacities.<sup>17</sup> But an agreement was finally signed and transmitted to Washington, where it was approved, with the reservation that the provision that any slave should have the right to purchase his

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<sup>17</sup> In 1911 the sultan, after a visit to Singapore, applied to the authorities at Manila for an increase of his annual payment, on the ground of the "general increase of the cost of living." He was inclined to attribute the increase to the influence of the American trusts.



freedom, should not be deemed to authorize the existence of slavery in the Sulu Archipelago.<sup>18</sup>

A unique situation developed in the great island of Negros, which lies in the central and Visayan part of the Archipelago. Negros was the home of the wealthy sugar planters. About the time that the Peace Protocol was signed at Washington the people of Negros rose against the Spanish government. It seems to have been an independent movement, having no connection with the Tagalog organization, of which Aguinaldo was the head. Some sort of an arrangement was made with the Spaniards, under which they assumed to relinquish their authority to the natives, who in return stipulated to protect the Spanish civil and military officers from harm. The natives then proceeded to establish an independent government, which they called the Republic of Negros. A full complement of officers was elected, and the new government took charge of affairs. But faction, the bane of every native government, soon wrought its downfall. A committee representing the intelligent people of the island waited upon Captain Glass of the cruiser *Charleston* and requested that he should land marines and raise the American flag. This he refused to do, because under the terms of the Peace Protocol hostilities had been suspended and the island was still Spanish territory. The troubles of the infantile republic continued to increase, and soon after the transfer of sovereignty to the United States a delegation journeyed to Manila and requested the military governor to take charge of the island in the name of the United States. Colonel James F. Smith was thereupon appointed military governor of Negros, with instructions to assist the people in forming a government for the administration of the

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<sup>18</sup> President McKinley in his message of Dec. 5, 1899, said: "The agreement by Gen. Bates was made subject to confirmation by the President and to future modifications by the consent of the parties in interest. I have confirmed said agreement, subject to the action of the Congress, and with the reservation which I have directed shall be communicated to the Sultan of Jolo, that this agreement is not to be deemed in any way to authorize or give the consent of the United States to the existence of slavery in the Sulu Archipelago." *Messages and Papers of the Presidents*, X, p. 172.

This treaty was of no advantage to the United States and was later abrogated.

internal affairs of the island. They evidently still hoped to remain separated from the rest of the Archipelago. Soon after Colonel Smith arrived in Negros a convention of elected delegates met at Bacolod and after some two months' labor prepared a constitution for the island and requested that it be submitted to the president of the United States for approval. This constitution was an elaborate affair, but as the form and phraseology was that of an American constitution it is reasonable to assume that it was largely the work of Americans.

The government which the Filipinos had organized for themselves was a failure, and, pending the action of the president on the new constitution,<sup>19</sup> General Otis, on July 22, 1899, directed that a military government should be established in Negros which would give the people as large a measure of control of their local affairs as was practicable. As outlined in the order, there was to be a military governor appointed by the military governor of the Philippines, a civil governor and an advisory council. The military governor should appoint secretaries of the treasury, interior, agriculture, public instruction, an auditor and an attorney-general, all with carefully defined powers. The civil governor should be elected by the people, should preside over the advisory council and perform generally the duties of a civil subordinate of the military governor. The advisory council should consist of eight members elected by the people within defined territorial districts. In order to be qualified to vote at any election a person was required to be a resident of Negros, a male citizen over twenty-one years of age, able to speak, read or write understandingly the English, Spanish or Visayan language, or be the owner of real estate worth five hundred dollars or pay a rental on real property of the value of one thousand dollars.

The advisory council was given the ordinary powers of a local legislature and was authorized specifically to devise and adopt a uniform system of taxation which would result in distributing the burdens of government as nearly equal as possible among the

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<sup>19</sup> No action was ever taken.

people. Municipal governments, with the usual powers of such bodies, were to be organized. The judges were to be appointed by the military governor, and their modes of procedure, terms of office and compensation were to be fixed by the advisory council, with the approval of the military governor. Free public schools, in which the English language should be taught, were required to be established in the populous districts of the island.

The local government thus instituted under military supervision, proved quite successful and became, to some extent, a model upon which the provincial governments throughout the islands were subsequently organized. President McKinley commented upon it in his message of December 5, 1900, and in the instructions to the Philippine Commission he directed that special attention should be given to the government then existing in the island of Negros, "which has been instituted with the approval of the people of that island."<sup>20</sup>

For a time all went well, but the trouble at Iloilo, near by, made the people uneasy, and during December certain agents of Aguinaldo's government arrived in Negros with what purported to be copies of a letter from Doctor Blumentritt, the Austrian ethnologist, and "information" that in January absolute independence would be granted by Congress.<sup>21</sup> Negros, it was said, would then be properly punished for her subserviency to the Americans. The people were for a short time shaken from their

<sup>20</sup> In speaking of the military government of the island of Negros, President McKinley said, "A notable beginning has been made in the establishment of a government in Negros which is deserving of special consideration. This was the first island to accept American sovereignty. Its people unreservedly proclaimed allegiance to the United States and adopted a constitution looking to the establishment of a popular government. It was impossible to guarantee to the people of Negros that the constitution so adopted should be the ultimate form of government. . . . The government actually set up by the inhabitants of Negros evidently proved unsatisfactory to the natives themselves. A new system was put into force by order of the Major General commanding the Department." *Messages and Papers of the Presidents*, X, p. 170.

The full text of the proposed constitution for the island of Negros is printed in the *Report of the Schurman Commission*, I, p. 202. General Smith's report on the Negros Government is found in *War Dept. Rept.*, 1900, I, Part 10, Appendix T T.

<sup>21</sup> Doctor Blumentritt endeared himself to the Filipinos by his long-range labors on their behalf. On his death, in 1914, the Assembly published a volume in honor of his memory.

moorings, but the uprising which resulted was suppressed without great difficulty.

After the capture of Malolos it was believed that the Filipinos must appreciate the fact that future military success on an effective scale was for them impossible, and that the more reasonable of the leaders could be induced to listen to the representations of the American government. The Schurman Commission arrived in Manila on March 4, 1899. It had sailed from the United States before the beginning of hostilities, with instructions to study the general situation and by conciliatory measures to assist the military authorities in restoring order preparatory to the introduction of civil government.<sup>22</sup> Arriving at Manila after war had commenced, the commissioners soon found themselves transformed into a sort of peace commission and engaged in negotiations with the emissaries of an active military force. They earnestly endeavored to gain the confidence of the people and convince them of the humane and beneficent purpose of the United States. In this they were to some extent successful, although subsequent events over which they had no control rendered their work ineffective. According to Doctor Schurman,<sup>23</sup> "Having satisfied them that American sovereignty was only another name for the liberty of the Filipinos, we set in motion, through their agency, currents of good-will, amity and reconciliation, which overflowed the domains of the Philippine Republic, gradually spread throughout Luzon and the Visayas, and reached even the well-guarded camps of the insurgents in arms."

They did indeed come very near bringing the insurrection to a close. After consulting with leading Filipinos in Manila and carefully studying the various proclamations and documents in which the natives had expressed their desires and aspirations, a proclamation was prepared, printed in English, Spanish and Tagalog, and circulated very extensively throughout the island.

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<sup>22</sup> Instructions of the President, *Rept. (Schurman) Phil. Com.* (1900), I, p. 184.

<sup>23</sup> *Philippine Affairs, A Retrospect, etc.* (1902), p. 6.

This was the first formal authorized statement to the public of the general principles upon which America proposed to govern the country.<sup>24</sup> It was objected to as dealing in generalities which might, after the Spanish custom, be ignored after the insurgents had laid down their arms.

But the proclamation had a very decided effect upon Filipino opinion. The leading people in Manila were satisfied with it and at once commenced active work designed to put an end to the war. Probably at their instigation, Colonel Arguellos came from Aguinaldo asking for a suspension of hostilities in order that the scattered Filipino Congress could be collected to consider conditions of peace. This was denied by General Otis. Arguellos' report of the conference with the American commissioners was so satisfactory that he, with another officer, was sent back to Manila with a letter signed by Mabini asking for a suspension of hostilities and for an armistice of three weeks. With these parties the commission discussed the situation with such effect that Arguellos expressed himself as satisfied and willing to accept the sovereignty of the United States. In reply to his request for the details of a plan of government which would be adopted, the commission outlined what they would recommend to the president, and later Secretary Hay's reply was submitted to them.<sup>25</sup> The conference accomplished nothing. The Filipinos demanded independence in some form, and that, of course, could not be conceded by the commission, or even by the president. They were informed that the matter of the sovereignty of the

<sup>24</sup> *Rept. (Schurman) Phil. Com.*, 1900, I, p. 3. For a reply prepared by Mabini, see *Harper's History*, p. 158, and Sen. Hoar's speech in the Senate on April 17, 1900.

<sup>25</sup> On May 5, 1899, Secretary Hay telegraphed, "You are authorized to propose that under the military power of the President, pending action of Congress, government of the Philippines shall consist of a Governor-General appointed by the President; Cabinet appointed by the Governor-General; a general advisory council elected by the people; the qualifications of electors to be carefully considered and determined; and the Governor-General to have absolute veto; Judiciary strong and independent; principal judges appointed by the President. The Cabinet and judges to be chosen from natives or Americans, or both, having regard to fitness. The President earnestly desires the cessation of bloodshed, and that the people of the Philippines at an early date shall have the largest measure of self-government consistent with peace and good order."

United States could not be discussed, and that, "after a careful consideration and study, it was the opinion of the Commission that the Philippine people were not capable of independent self-government, and that independence for which some of them said they were fighting was, in the opinion of the Commission, an ideal at present impossible, not only because of their unfitness for it, but because of their inability to preserve it among the nations even if it were granted."<sup>26</sup>

Colonel Arguellos, upon his return, seems to have expressed his satisfaction with the American attitude a trifle too enthusiastically, and for his treasonable sentiments and advice was expelled from the army and sentenced to twelve years' imprisonment.<sup>27</sup> Nevertheless, there were among Aguinaldo's advisers a few sane men who agreed with the discredited emissary. We may fairly assume that such men as Arellano and Torres regarded the Philippine Republic as a temporary expedient for bridging a period which would be followed by some form of government under American control. As early as June, 1898, Arellano, then acting as secretary for foreign affairs, had outlined a plan for cooperation with the Americans and had advised a correspondent to "avoid all doing and undoing, and when America has established a stable government it will be time enough to make laws."

In October of the same year Arellano and Pardo de Tavera had urged that the United States be asked to acknowledge the independence of the islands under a protectorate, and the plan had been approved by Aguinaldo and his cabinet. But a radical leader named Sandico is said to have induced Aguinaldo to abandon this plan by assuring him that the Japanese government had agreed to aid the Filipinos in their struggle for absolute independence. Nothing more clearly shows the incapacity of the Filipino leaders for large affairs than their childish belief that foreign powers would involve themselves in war with the

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<sup>26</sup> *Rept. Phil. Com.*, 1900, I, p. 7. For Secretary Hay's letter of May 5, see *Ibid.*, p. 9.

<sup>27</sup> No attempt was made to execute the sentence.

United States on behalf of a people in whom they had not the remotest financial or political interest.<sup>28</sup>

Aguinaldo was also encouraged by letters from Agoncillo from Washington assuring him that the majority of the American people favored the independence of the Filipinos.

Arellano and Pardo de Tavera withdrew from the cabinet, and the radicals, under the lead of Mabini were left in control. If we are to believe Buencamino, after the capture of Malolos in April, 1899, the majority of the congress began to see the advantages of Arellano's plan for a protectorate. But so long as Mabini controlled the policy of the government there was no possibility of the acceptance of American sovereignty. This remarkable young man, of fragile and paralytic frame, but of a keen, subtle and logical intellect, was a fierce, irreconcilable hater of the American government. With him no compromise was possible.<sup>29</sup> But the proclamation issued by the commission, following the military successes of MacArthur and Lawton, so encouraged the conservatives that they took the aggressive. Early in May whatever was available of the congress was assembled at San Isidro, and voted for ending the war and for peace on the basis of the announcement which had been made by

<sup>28</sup> On November 15, 1899, Aguinaldo, or probably Mabini over Aguinaldo's signature, wrote to one of the chiefs that "The quadruple alliance between France, Russia, Germany and Spain is a fact. Before December we will know our fate. Throughout Europe there is sympathy for our cause. American Democrats are already in our favor." *Rept. War Dept.*, 1901.

On May 16, 1899, Sandico (the officer who in February had issued the order to the faithful in Manila to rise, slay and spare no one of the white blood) issued an appeal in which he said, "The latest Eastern question may bring about an international conflict which would oblige America to abandon her policy with regard to the Philippines. The justice of our cause, together with the circumstance that you have aided America to banish and destroy the Spanish Government in these islands, has won the sympathy of the press of Europe and Japan, in fact that of all nations. . . . We should exhaust all the resources of diplomacy, put in play before foreign countries every inducement which we can offer with the aid of the tribune and the press, now giving up coaling stations, and now offering concessions to commerce and concessions to build railroads and to mine." *Ibid.*, p. 361.

Flores, the Secretary of War, called it "this palpitating international question."

<sup>29</sup> For a study of Mabini's life and character, see an article by Jorge Bocobo, an intelligent young Filipino, educated in the United States, in the magazine, *The Filipino People*, for August, 1913.

the Schurman Commission.<sup>30</sup> Mabini now retired, and his place was taken by Pedro Paterno, with Felipe Buencamino for his leading supporter. The first act of the new cabinet was to authorize Buencamino, Maximo Paterno, Torres, Pablo Ocampo, Arsenio Hererra, José Albert and two military officers to proceed to Manila and negotiate a peace.<sup>31</sup>

The American commissioners thus had good reasons to rejoice over the apparent success of their policy. The Philippine Republic itself had been won over. The congress had voted for peace, and Aguinaldo had acquiesced. The irreconcilable Mabini was out and a cabinet in sympathy with the new policy was in power. But the unfortunate land was not to be thus easily pacified. General Luna and other military leaders succeeded in reversing the policy which Aguinaldo's government had adopted. "In its patriotic effort to bring about peace," says Doctor Schurman, "the Philippine Republic itself suffered collapse. Done to death by its own false friends, I shall never forget that its last expiring voice was for peace and reconciliation on the basis of the proclamation issued by our Commission. But what the congress, cabinet and president of the Philippine Republic so unanimously resolved, Luna, the general commanding their army, as completely frustrated. He arrested the delegates who had been so solemnly authorized by congress, cabinet and president to proceed to Manila, accused them of treason and sentenced some to imprisonment and others to death."<sup>32</sup>

Luna and the military party thus made it impossible for the commissioners who had been appointed to proceed to Manila,

<sup>30</sup> By this time the congress had become badly demoralized. But sixteen members were present, and fifteen voted for the new peace policy.

<sup>31</sup> Later Buencamino wrote to Gen. MacArthur, "Don Felipe Buencamino and Don Pedro Paterno, without any previous agreement, saw a door through which they could enter into friendly and harmonious relations with the Americans. All the members of the congress adopted the policy with the exception of a few partisans of Mabini, who was at that time president of the cabinet. Hence, it is that at the first meeting of congress in San Isidro Nueva Ecija, the first day of May, 1899, it was resolved to change the war policy for one of peace with the United States." *Rept. War Dept.*, 1901, Part 2, p. 118.

<sup>32</sup> *Philippine Affairs*, p. 13. See testimony of Dr. José Albert before the Phil. Com., May 30, 1899. *Rept. Schurman Com.* (1890), II, pp. 127-129.



but shortly thereafter Aguinaldo named other representatives,<sup>33</sup> who met the American commissioners on May 22, 1899, and again urged an armistice. Señor Barretto claimed that the congress which had voted to end the war had been so reduced in numbers that it was not really representative of the people, and that some sort of a constituent assembly ought to be called to consider a matter of such grave importance to the country. He frankly stated that the leaders feared to take the responsibility of making peace. He expressed himself as satisfied with the plan outlined for a provisional government and with the statement contained in the telegram from Secretary Hay of May 4, but said that the Filipinos were not willing to trust the American Congress with the power of devising a permanent form of government at some time in the future. As that was necessary, the conference resulted in nothing but an interesting exchange of views.

The conservative leaders now abandoned Aguinaldo and found their way to Manila, where the best of them thereafter aided the Americans in the work of establishing order throughout the country. The congress was heard of no more. General Luna himself was killed by Aguinaldo's guards in front of the convent at Cabanatuan,<sup>34</sup> and Aguinaldo took the active command of what

<sup>33</sup> General Gregario del Pilar, Gracio Gonzago and Alberto Barretto.

<sup>34</sup> Mabini's account of the death of Luna (published after Mabini's death) is printed in *El Comercio* for July 23, 1902, and in part in Le Roy, II, p. 94, note, from which the following extracts are taken:

"Aguinaldo telegraphed to Luna asking him to come to see him in Cabanatuan to confer with him; but when Luna arrived in the appointed place, he did not find Aguinaldo in his residence, and was traitorously assassinated by the soldiers on guard there . . . I can not believe even now that Luna was working for the overthrow of Señor Aguinaldo from the elevated position which he occupied; but it is certain that he aspired to be chief of the Cabinet in place of Señor Paterno, with whom he was not in agreement because the autonomous program of the latter was an infraction of the fundamental law of the State and as such constituted a punishable offense. . . . When . . . he received the telegram from Señor Aguinaldo summoning him to Cabanatuan, Luna may perhaps have thought that the object of the conference would be the new Cabinet: he did not expect that they were planning to assassinate him . . . Señor Aguinaldo, in order to get rid of Luna, made use of the same soldiers whom Luna had punished for infractions of discipline; Señor Aguinaldo, then, slew discipline, destroying his own army. . . . The fall of Luna, coming back with full force upon the head of Aguinaldo, caused in turn his own moral death, a thousand times more bitter than physical death."

remained of the army. Henceforth selfish ambition, ignorance and folly controlled events. All semblance of law and justice disappeared. A military despotism took the place of the Philippine Republic, which "never again pretended to live." Doctor Schurman well says, "Such an unholy carnival of militarism, despotism, brigandage, cruelty and wholesale intimidation of peaceful and unoffending inhabitants as the disorganized insurgent bands have since enacted in different parts of the Philippine Islands is without parallel in Occidental history and finds a parallel in Asia alone."<sup>35</sup>

All efforts at conciliation having thus failed, it was necessary to plan another campaign in the North. During the rainy season, which ordinarily extends well into the month of September, military operations in that section had been suspended. The new volunteer regiments began to arrive in October, 1899.<sup>36</sup> The principal Filipino forces were scattered over the plains of Tarlac, Pangasinan, Bulacan and Nueva Ecija. Back of them to the north were the mountains, into which they expected to retire in the event of disaster. If American troops could be thrown between the Filipinos and the foothills it would be thereafter merely a matter of beating the bush and combing the nipa swamps. All other military operations were now made subordinate to this. The plan was very simple. General MacArthur was to capture the town of Angelis and then proceed north along the line of railroad. General Lawton was to move up the Rio Grande from Calumpit to San Fernando, prepared to swing to the west if occasion required. Another force was to come by sea and land at San Fabian, on the coast near Dagupan, the end of the railroad.

These plans were successfully carried out during the latter part of the year 1899. The campaign presents little of interest to the general reader, and its military lessons may be learned

<sup>35</sup> *Philippine Affairs* (1902), p. 14. No one who has examined the records of the Filipino government and army and the correspondence and orders of the officers will claim that this language is too strong.

<sup>36</sup> The effective force at the end of November, 1899, was 41,500. Two regiments had been sent to the southern islands, 13,000 more arrived in December and 5,500 in January, 1900, making 55,000 in all. *Otis' Report*, 1900, p. 14.

from the elaborate reports of the officers who were in charge of the operations.<sup>37</sup> It was mostly a search for the enemy. The Filipino military organizations were broken up and whenever occasion required the units were absorbed by the friendly towns. But, unfortunately, Aguinaldo and a small body of his soldiers succeeded in getting through the lines and escaping into the mountains.

At this time, in their desperation, new plans were devised by the insurgents' leaders for the destruction of Manila from within, but their efforts were frustrated by the vigilance of the American authorities. While the northern country was thus being cleaned up expeditions were sent from Manila to the province of Cavite, and up the Mariquina Valley to the east. On December 19 General Lawton was killed near San Mateo and the army suffered the loss of one of its most efficient and distinguished leaders.

As there were no large bodies of insurgents remaining, the American troops were now distributed in small detachments, and the work of organizing the country for peace was commenced. Some roads were constructed for military purposes and others in order to make it possible for the natives to market their products. Early in the spring of 1900 the military authorities ceased to operate the railroad from Manila to Dagupan and it was returned to its owners. The war, so far as it was a contest between organized forces, was at an end.

On May 5, 1900, General E. L. Otis was relieved as military governor and was succeeded by General Arthur MacArthur. The duties which General Otis had been called upon to perform were such as had fallen to the lot of no other American army officer. They were complicated and onerous and called for the combined qualities of a soldier and a statesman. The conditions were unique in American history. It had not been customary in previous American experience or in the British service under such circumstances to combine the military and civil functions in one person. In India, Java and other conquered countries the civil-

<sup>37</sup> Le Roy, II, Ch. XIX, gives a detailed account of these military operations.

ian administrator always accompanied the military commander. Clive, originally, Hastings and the empire builders were generally civilians. Sir Stamford Raffles, who did such remarkable constructive work in Java, was a young East India Company civil servant, with whom served Auchmuty and Gillespie as military commanders. In Manila the United States government conferred all power upon the military commander, who had thus to deal with war, politics, diplomacy, finance, jurisprudence and military and civil government. His powers, although practically absolute, were never seriously abused. General Otis' plans for crushing the insurrection were executed successfully. The administration of civil affairs was creditable and as efficient as that of the early days of the civil government which succeeded it. He made mistakes, of course, and he offended many persons. He had not the personal qualities out of which popular military heroes are made. He never rushed about on a charger, and certainly used his pen more than his sword. He succeeded in getting into unpleasant relations with Admiral Dewey and with certain members of the commission, and the tendency has been "to write him down." He was, in fact, somewhat dry and unresponsive and very much over-addicted to detail. He became unpopular with the newspaper correspondents and the editors. Military governors are not generally favorites with local journalists, who object to being ridden with a check-rein. Nor did the policy which General Otis was required to pursue toward the Filipinos meet with the approval of the correspondents or the local newspapers, which were edited by ex-soldiers with ideas of their own as to the proper way to govern a dependency. The prevalent local view was that all Americans living under the flag in any territory, no matter where that territory was located, were entitled to all their home-made constitutional rights, regardless of the condition of the subject people, and that any policy which lowered their legal *status* to a level with a servile race would result in disaster to America and also mislead and deceive the natives. They saw nothing but disaster in the policy

of "the Philippines for the Filipinos." Otis was charged with being too optimistic and with not understanding the real situation, and thus misleading the authorities at Washington.

As usual in such cases, the censorship of the news was not pleasing to those immediately affected by it. At one time the correspondents combined and sent a "round robin" from Hong Kong which created something of a sensation in the United States. It is not necessary to assume that in such controversies the men in authority and who are bearing the burden of responsibility are always wrong and that the newspaper correspondents are always right. General Otis was subjected to some merited and much unmerited criticism and abuse, but when all the difficulties are taken into consideration every fair-minded and unprejudiced person will now concede that his administration was reasonably successful. Of him General Funston says:<sup>38</sup> "While always civil, he was a very reserved man and an indefatigable worker, who took upon himself the decision of all sorts of minor matters ordinarily left by a general officer to the members of his staff. One would about as soon think of cracking a joke in his presence as of trying to pull his beard. It should not be inferred that he was of the pompous type, for he was anything but that, being a most simple and unaffected man, though without the saving grace of humor."

It then seemed that to General MacArthur was left merely the work of gathering up the odds and ends of the insurrection and organizing governments in the distracted country, but soon after he succeeded to power the insurrection entered upon what was by far the most annoying and troublesome phase of its existence. At a council held by the Filipino leaders at Bayambong in November, 1899, it was decided to disband what remained of the army and to organize the people in each province for prolonged guerrilla warfare. A good idea of the plan is obtained from one of the orders issued by Aguinaldo which fell into the hands of the American authorities. Luzon was divided into districts, each under a politico-military commander, upon whom was

<sup>38</sup> *Memories of Two Wars*, p. 159.

conferred the "full and extraordinary powers" to impose contributions and adopt all such measures as might seem to him "for the good service of the country." The troops in each district were instructed henceforth to maneuver in flying columns and in guerrilla bands.<sup>39</sup>

Detailed and systematized instructions for conducting guerrilla warfare were prepared by that valiant warrior of the pen, Isabello de los Reyes, under the direction of the Filipino Revolutionary Committee in Madrid and forwarded to the Philippines.<sup>40</sup>

This production is well worth careful reading. It opened with the statement that the object of the guerrilla warfare which was to be inaugurated was to convince the "American Imperialists who sought to reduce the Filipinos to slavery and confiscate their rich archipelago" that their nefarious purpose could never be accomplished. The success of the Sultan of Sulu, "through his fanatical perseverance," in securing a fair degree of independence<sup>41</sup> was referred to as an encouraging fact. The guerrillas were instructed not to give battle, as disease would soon destroy the Americans. However, while awaiting this much desired consummation, the Americans were to be constantly worried and when possible destroyed root and branch.

It must be conceded that the system was effective for the purpose for which it was devised. Uniforms were thereafter discarded, and soldiers appeared now in the field as fighting men and now within the American lines as *amigos*—peaceful natives engaged in tilling the soil and eager to assist in the capture of the friends whom they called bandits.

The work of capturing these guerrillas was even more strenuous, dangerous and demoralizing than regular warfare.<sup>42</sup> The service required the highest degree of endurance, fortitude and

<sup>39</sup> Order of May 6, 1900, to Pantaleone Garcia. *House Doc. 2, 56th Cong., 2nd Sess.*, Part 3, p. 59. *Rept. War Dept.*, 1900, Part 1, p. 59.

<sup>40</sup> A translation of this extraordinary document is printed in *House Doc. 2*, pp. 72-76.

<sup>41</sup> So the Filipino leaders construed the Bates Agreement with the sultan.

<sup>42</sup> Between November 1, 1899, and September 1, 1900, the American casualties were 268 killed, 751 wounded, and 55 captured. The Filipino loss, so far as reported during the same period, was 3,227 killed, 694 wounded and 2,864 captured.

valor. The Filipinos conducted their irregular warfare with skill and a considerable degree of success, and thus succeeded in postponing for a few months the day of complete submission. During that time they made life very unpleasant for the Americans and subjected their own people to untold miseries.

The municipalities which had been organized under American military supervision were centers of insurgent activities.<sup>43</sup> It was from them that the serious opposition to pacification came. The acceptance of American authority, which was involved in the holding of municipal office, was never, with the people, more than a mere form. In fact, the municipal *politicos* seem to have regarded the oath of loyalty to the United States as a performance which had a real value, because it tended to throw the Americans off their guard. Their hearts were always with their friends in the *bosca*, to whom they rendered every assistance in their power. The offices of municipal president and councilmen were the best possible vantage grounds for their purposes. Most of the towns had complete secret insurgent municipal governments, which operated simultaneously and within the same sphere as the American organized local government, and in many instances the offices were held by the same persons. The officials acted thus openly in behalf of the United States and secretly in behalf of the insurgents, apparently with equal solicitude for the interests of both. Their actions present a very curious study in the psychology of the Oriental. In such matters as the peace of the town, the regulation of markets, labor on roads, streets and bridges, and the opening and conducting of schools, these men were very active and accepted with alacrity the guidance and assistance of the Americans. At the same time they were collecting contributions and supplies, recruiting men and sending military information to the Filipino leaders in the field. Nearly every town, regardless of the fact of American occupation, was thus a base for insurgent military activities. When closely pressed a band of guerrillas simply dissolved and reappeared as

<sup>43</sup> See Robinson, *The Philippines, etc.*, pp. 292-313.

peaceful citizens of a near-by *barrio*. It is doubtful whether the skill with which the system was operated has ever been equaled. As General MacArthur well said, "The people seemed actuated by the idea than in all doubtful matters of politics or war, men are never nearer right than when going with their own kith and kin regardless of the nature of the action or of its consequences."

There was at this time almost complete unanimity of action on the part of the native population in the provinces of the islands not inhabited by the Moros and uncivilized tribes. The exceptions were found among the comparatively few educated and intelligent people whose material interests were involved and whose knowledge of the world enabled them to form a fairly just and reasonable judgment upon such affairs. But the common people had been so stirred by the events of the war and by the appeals of the radical leaders that they refused absolutely to follow the leadership of the conservatives. This unanimity of sentiment had been brought about by various means. Intimidation and fear were doubtless potent factors, but they were not alone sufficient to account for the apparently spontaneous actions of several millions of people. "It is not improbable," wrote General MacArthur, very truly if somewhat ponderously, "that the adhesive principle comes from ethnological homogeneity which induces men to respond for a time to the appeals of consanguineous leadership even when such action is opposed to their own interests and convictions of expediency."

It is a remarkable fact that throughout this period of confusion and disorganization the Filipinos were anxious to assist the army officers in their laudable efforts to introduce a system of primary education for the common people. But Americans were inclined to attach excessive importance to this ambition for education. The people were and are eager to acquire knowledge, but principally because they regard it as a means by which they are to obtain the satisfaction of their ambition to control their own affairs. As American interests and Filipino aspirations in this respect ran on the same lines, it was easy to work together. The



educational work which was commenced by American officers in the municipalities was enthusiastically seconded by even the most disloyal natives. They desired particularly to have the children taught the English language, as they appreciated its practical advantages for the purposes they had in view.

## CHAPTER XVIII

### The End of the Military Régime

#### BUILDING A GOVERNMENT

Policy of the Administration—Civil Government in Occupied Territory—Unpopularity of the Policy—Elihu Root, Secretary of War—War Department in Charge—War Powers of President—Civil Government by Civilian Agents—Constitutional Questions—Theories of National Power—Power to Acquire and Hold Territory—The Political Precedents—Secretary Root's Theory—The Insular Cases—The United States Philippine Commission—The President's Instructions—Principles of Government Adopted—Questions for Consideration—Legislative Power of Commission—Reception in Manila—Local Conditions—Building a Government—Further Efforts at Reconciliation—Presidential Election in the United States—Final Blow at the Insurrection—Deportations—Organization of Federal Party—Early Legislation—Civil Service Law—Reorganization of the Judicial System—Municipal Code—Provincial Government Law—The Beginnings of Baguio—Tour of the Islands—Organization of Provincial Governments—The Spooner Law—Capture of Aguinaldo.

In his message of December 5, 1899, President McKinley informed Congress that there seemed to be no good reason why steps should not be taken at once to organize local governments essentially popular in the parts of the territory of the Philippines which were already under the control of the army.

The Schurman Commission urged the importance of instituting civil governments in the provinces and towns at the earliest possible date, but the work had been delayed by the insurrection. Although the native government and the organized forces by which it had been supported were now dispersed, it was clear that it would take an indefinite time to capture or exterminate all the irregular bands which continued to operate in certain localities. Race hatred and personal bitterness were increasing. The feelings and sympathies of the people were overwhelmingly anti-American. But the Filipinos had eaten of the fruit of war,

and found it very bitter. It was the duty of the statesmen to provide something which would inspire them with hope and confidence and direct their attention to the task of rebuilding the country. Military government always has the defects of its qualities and it is necessarily harsh and unpopular. It was believed that the prospect of immediate peace under a liberal and popular system of government would tend to weaken the attachment to what was manifestly a lost cause. Proclamations and promises alone would not do. So many Spanish promises had been broken that the Filipinos had become skeptical. It was important that some at least of the American promises should at the earliest possible time be translated into accomplished facts.

The political conditions in the United States also seemed to require that such a course should be pursued. The policy of the administration was on trial before the country, and it is absurd to criticize politicians or statesmen for giving consideration to matters which will affect the probability of their continuing in office. Out of office they can do nothing; in office they may be able to carry out their policies. The successful establishment of civil governments in parts even of the Philippines would be conclusive evidence of progress toward the fulfilment of the prediction that the insurrection would soon be ended and that the common people would, if given the opportunity, willingly accept American control. There were thus good reasons, some of them political, others arising out of the condition of affairs in the islands, why the work of organizing local governments should not wait until the military authorities had captured every outlaw and by disciplinary measures taught the Filipinos to love the flag.

The policy adopted was not popular with the army or with the newspaper correspondents who taught the home people what they should think with reference to the Philippines, and it caused much unpleasant friction between the civil and military authorities. The former felt that their work was

constantly belittled and impeded, and the latter resented the injection of civilians into a situation which in their judgment would for many months be purely military. General MacArthur felt that the appointment of the commission showed a lack of appreciation of his capacity to establish civil governments as well as control the military situation. At that distance from home many of the officers seemed unable to accept the theory, never questioned in the United States, of the legal subordination of the military to the civil power.<sup>1</sup>

The hasty institution of civil governments in some instances resulted unfortunately, but it is far from clear that the evils of continuing military government would not have been greater than those which were incidental to a too rapid progress in the right direction.

The Schurman Philippine Commission for some reason had been required to report to the secretary of state. The management of the new dependencies was now transferred to the War Department. Elihu Root became secretary of war in 1899, and thereafter until 1904 Philippine affairs were under his personal direction and control. Mr. Root was a great lawyer, a profound student of public and constitutional law, and a constructive statesman of the first order. The government of the Philippines as it exists to-day is largely his creation, and his efficient work in establishing and maintaining peace in the Archipelago was given due weight when, in 1913, he was granted the Nobel prize.

The president derived his power to govern the territory from his constitutional authority as commander-in-chief of the army and navy, and this power continued after the ratification of the treaty of peace and until such time as Congress assumed jurisdiction and control of the territory.<sup>2</sup> But his au-

<sup>1</sup> This question is always a live one in dependencies unless the civil governor is by law also commander-in-chief, as in such colonies as Ceylon and Hong Kong. For the famous contest between Lord Curzon and Lord Kitchener over the organization of the India government, see Fraser, *Lord Curzon in India and After*, Chap. XII.

<sup>2</sup> *Cross v. Howard*, 16 Howard (U. S.) 164.

thority was simply that of a military commander and was much less comprehensive than that of Congress. The immediate question was how, in the exercise of the war power, to give the Philippines the benefit of civil government while awaiting the action of Congress.

The military authority of a president includes executive, legislative and judicial power. Not infrequently a single military order includes all these powers,—the exercise of legislative power by prescribing a rule of action, of judicial power by determining a right, and executive power by the enforcement of the rules prescribed or the rights determined. As said by Secretary Root, "It is indeed the combination of all these powers in a single individual which constitutes the chief objection to any unnecessary continuance of military government."<sup>3</sup> As the war power could be exercised through civil agents as well as military officers, it was determined that the legislative power should be vested in civil agents who should act in accordance with legislative forms and that the judicial power should be exercised by courts established and regulated by the enactments of the legislative authority.

The ratification of the treaty with Spain without the usual provision determining the future *status* of the ceded territory and its inhabitants gave rise to numerous important constitutional questions which could not be settled definitely until they could be brought before the Supreme Court of the United States. They were not in fact decided by that august tribunal until March 21, 1901. In the meantime the administration under the guidance of Secretary Root had to proceed upon its own judgment and trust that its action would meet with the approval of the country and subsequently of the courts.<sup>4</sup>

The all important, immediate question was whether, upon the cession of the territory, the Constitution of the United

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<sup>3</sup> *Rept. Secy. of War, 1901. (Five Years of the War Dept., 1899-1903, p. 199.)*

<sup>4</sup> See notes, p. 496, *infra*.

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States with all its requirements and limitations, became at once effective therein by its own force, regardless of the action of Congress. In the popular language of the day, did the Constitution follow the flag? These questions were agitating the country even before the treaty was signed. The two extreme views were expressed very clearly by Senator Vest of Missouri and Senator Platt of Connecticut during a debate in the Senate.<sup>5</sup> On December 6, 1898, in contemplation evidently of the signing of the treaty, the former introduced a resolution to the effect "that under the Constitution of the United States, no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies."

Senator Platt's resolution asserted that the United States is a nation with all the powers of a nation.<sup>6</sup>

The United States had always held territory which was for a time out of the Union, and the Constitution recognized that such territory might be held as its *property*. The power to hold implies the power to acquire such territory, and the Supreme Court had held that the power was also implied from the express power to make war and treaties. "The Constitution," said Chief Justice Marshall,<sup>7</sup> "confers absolutely on the government of the Union the powers of making war and of making treaties; consequently that government possesses the power of acquiring territory by conquest or by treaty." Under the provisions of the Constitution Congress may either sell the territory which it so acquires, hold and govern it by such rules and regulations as it deems wise to make, or carve it up into numerous states and admit them into the Union. It follows that until new states are created out of the national territorial property and admitted into the Union the Constitution of the United States is not in force

<sup>5</sup> For the conflicting views of jurists, see Thayer, 12 *Harvard Law Rev.* 464, March, 1899; Baldwin, *Ibid.*, 393; Burgess, 14 *Pol. Sci. Quar.* 1, March, 1899; Woolsey, *Ann. Am. Acad. Pol. and Soc. Sci. Supp.*, p. 15, April 7, 1899.

<sup>6</sup> *Cong. Rec.*, Dec. 19, 1898, pp. 321, *et seq.*

<sup>7</sup> *American and Ocean Insurance Co. v. Canter*, 1 Pet. (U. S.) 511.

in such territory. The McKinley administration had good Jeffersonian authority for proceeding on the assumption that the Constitution did not apply to the new territory until it had been extended thereto by Congress in the exercise of its powers to "make all needful rules and regulations respecting the territory or other property belonging to the United States."

It followed strictly the political precedents in the history of the country. The treaty under which Louisiana was acquired from France in 1803 contained a provision with reference to the political *status* of the inhabitants but left Congress to determine when the Constitution and laws of the United States should be made applicable in the new territory. The Act of Congress of October 31, 1803, provided that "until the expiration of the present session of Congress, unless provision for the temporary government for the said territory be sooner made by Congress, all the military, civil and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the president of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion."<sup>8</sup> This statute was construed to mean that the local laws should remain in force until changed by Congress. Albert Gallatin, then secretary of the treasury, wrote to the territorial governor, "that the existing duties on imports and exports which by the Spanish law are now levied within the province, will continue until Congress shall have otherwise provided."<sup>9</sup>

Early in the next year Congress extended the laws of the United States relating to customs duties to Louisiana and organized a territorial government by an act which specifi-

<sup>8</sup> *U. S. Stat. at Large* (Pet. Ed.), II, 245.

<sup>9</sup> See Magoon, *Law of Civil Government under Military Occupation*, p. 159.

cally enumerated the provisions of the bill of rights of which the inhabitants of the territory should have the benefit.<sup>10</sup>

Upon the acquisition of Florida in 1819, a part of Mexico in 1848, the Gadsen's Purchase in 1853, and Alaska in 1867, it was assumed that the Constitution and laws of the United States did not extend to the new territory without express action by Congress. The Act of April 30, 1900, expressly extended the Constitution of the United States over the new territory of Hawaii. In each of these instances the treaty of cession provided that the inhabitants should in due time be admitted to the full rights of citizens of the United States, while the treaty with Spain merely reserved to Congress the right to determine the civil rights and political *status* of the inhabitants of the ceded territory. In neither case could the inhabitants become citizens without the action of Congress.

Under these political precedents the administration was justified in assuming that the Constitution was not self-operating in the newly acquired territory. Any government instituted by the president under the war power, necessarily would be temporary and it was not essential that the temporary government should be so framed as to provide a model for future congressional action. It was, however, desirable that the president's action should conform to the constitutional theory upon which Congress would act. Secretary Root proceeded to frame a government for the Philippines on the theory that the United States as a nation possessed and might lawfully exercise all the powers in respect to such territory which any other nation could have exercised in respect to territory and people so acquired. The inhabitants of the territory were subject to the complete sovereignty of the United States, and the sovereign was subject only to the legal limitations on its powers which were found in the treaty. The legal rights of the inhabitants also were determined by the treaty and not by a constitu-

<sup>10</sup> *United Stat. at Large* (Pet. Ed.), II, p. 283.

tion which had been established by the people of the United States for themselves and to meet conditions existing on the American continent. They had, however, acquired a moral right to be governed by the United States according to the principles of justice and freedom which underlay the American system of government, and it was the duty of the United States to make the interests of the people the first and controlling consideration in all administration and legislation which concerned them.<sup>11</sup>

On the theory that the laws of the United States did not apply to the new territory until extended thereto by Congress the administration proceeded to collect duties on goods imported into the United States from Porto Rico and the Philippines, thus treating them as foreign countries within the contemplation of the tariff law. The Supreme Court subsequently held that this could not be done, because immediately upon the ratification of the treaty of peace the islands ceased to be foreign territory. In considering the litigation with reference to the tariff laws it is necessary to distinguish the period before the ratification of the treaty, the period from the ratification of the treaty to the passage of the Foraker Act on April 12, 1900, and the time subsequent to the enactment of that law. During the first period the duties and customs were legally determined and collected under the executive orders of the president in the exercise of the war power. In the first of the so-called Insular Cases, decided May 27, 1901, the Supreme Court held that the United States had the right to acquire territory by treaty, that the treaty of cession did not extend the Constitution and laws of the United States over such territory, and that territory thus acquired could not be considered as foreign territory. It followed that the duties could not be collected under the Dingley Tariff Law on goods coming from Porto Rico to the United States.<sup>12</sup>

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<sup>11</sup> *Report Secy. of War, 1899 (Five Years of the War Dept., pp. 31-38).*

<sup>12</sup> *De Lima v. Bidwell*, 182 U. S. 1.

Porto Rico and the Philippines, therefore, were not foreign territory. But were they domestic territory in the sense that they came within the commercial union? Congress, assuming that Porto Rico was foreign territory within the meaning of the revenue laws, had by the Foraker Act established a schedule of duties which should be paid on goods coming therefrom to the United States. In order to sustain this statute the court held that *within the meaning of the revenue* clauses of the Constitution requiring all duties, imposts and excises to be uniform throughout the United States, Porto Rico while not foreign territory was not for all purposes to be regarded as domestic territory. *It was territory appurtenant to and belonging to* the United States, and the Foraker Act was therefore constitutional.<sup>13</sup> This conclusion was reached by various processes of reasoning and was much criticized by students of constitutional law and political science, and the general public. It was claimed that as four justices believed that the Constitution was extended by its own force to the new territory and four other justices believed that an Act of Congress was necessary so to extend it and the reasoning of the justice who wrote the prevailing opinion was not concurred in by any of his associates, no constitutional doctrine was declared by a majority of the court.<sup>14</sup> But the reasoning by which a court reaches its conclusion is no part of a judicial decision. Many a correct decision is reached by an erroneous course of reasoning. So far as the binding effect of the decision is concerned it is from a legal point of view entirely immaterial that a majority of the members of the court were unable to agree on a single reason for the decision. The conclusion embodied in the judgment was that of the majority, and the decision itself was that of the court. The various conflicting reasons given for the insular decisions are therefore of interest only to students of the development of constitutional law.<sup>15</sup>

<sup>13</sup> *Downes v. Bidwell*, 182 U. S. 244 (1901).

<sup>14</sup> Latané, *America as a World Power*, Chap. VIII.

<sup>15</sup> In *O'Campo v. Cabiñis*, 15 *Phil. Rept.* 625, the court said: "There can

The questions involved in these cases were not determined by the court until the work of organizing the temporary government in the Philippines was well under way and until after the people at the presidential election of 1900 had placed the seal of their approval upon the policy which was being pursued by the administration. There was, therefore, some truth in the assertion that the constitutional questions connected with the acquisition of the Philippines were settled on commercial and political grounds before they came before the court, just as similar great questions of public policy have been and doubtless in the future will be settled.<sup>16</sup> Congress was, therefore, left free to provide a government for the Philippines subject only to the restrictions of the Constitution which go to the very root of its power *to act at all* irrespective of time and place.<sup>17</sup>

In April, 1900, the president appointed the United States Philippine Commission, which was designed to supplement the work of the army and establish a civil government which should exist until Congress assumed charge. The members of the new commission were not so well known to the public as those of the Schurman Commission had been. The president, Mr. William H. Taft, of Ohio, had been solicitor-general of the United States and was well and favorably known to the legal profession as a United States circuit judge. Neither of the other members had more than a local reputation. They were, however, all men of high standing in the states from which they came. Mr. Luke E. Wright

be but one *decision* by a court, and it must be the result of the concurrent judgment of a majority of the justices constituting that court. The legislature can not compel the minds of men. The law has no mandamus to the logical faculties."

<sup>16</sup> The impression made on many people was that expressed by Mr. Dooley:

"But there is one thing that I'm sure about."

"What's that?" asked Mr. Hennessey.

"That is," said Mr. Dooley, "no matter whether th' Constitution follows the flag or not th' Supreme Court follows th' illiction returns." The wit justifies the irreverence.

<sup>17</sup> *De Lima v. Bidwell*, 182 U. S. 1; *Downes v. Bidwell*, 182 U. S. 244; *Hawaii v. Mankichi*, 190 U. S. 197; *Dorr v. United States*, 195 U. S. 138; *Rasmussen v. United States*, 197 U. S. 516.

had been attorney-general of Tennessee, but had held no other public office. Mr. Henry C. Ide, of Vermont, was a lawyer and had served creditably as chief justice of Samoa during the period of the joint American, English and German protectorate. Mr. Dean C. Worcester was assistant professor of zoology at the University of Michigan and was the only member who had the advantage of any personal knowledge of the islands, having visited them on two previous occasions on scientific expeditions and recently as a member of the Schurman Commission. Mr. Bernard Moses was professor of history at the University of California and had written several books on Spanish-American history. All these men served their country and the Philippines faithfully and well. Mr. Taft became civil governor, secretary of war and president of the United States. Mr. Wright became the first governor-general of the Philippines, the first American ambassador to Japan, and secretary of war during the last days of President Roosevelt's administration. Mr. Ide became governor-general and minister to Spain. Mr. Worcester remained a member of the commission and secretary of the interior until 1913. Mr. Moses, after serving as commissioner and secretary of public instruction, resigned and returned to the University of California.

The Instructions which were prepared by Secretary Root for the guidance of this commission constitute a very noble state paper. The general principles therein announced were such as would naturally control in any government for which America, with her traditions, was responsible. They were prepared in the full light of modern colonial history and with ample knowledge of the most advanced theory and practise of colonial government. There was at that time little to be learned from the Dutch, French or German systems which could be made applicable in the Philippines. Obviously the German military and bureaucratic methods were inapplicable, being equally unadapted to the American or Filipino character. The French system of assimilation to the metropolitan country was equally impossible. The much advertised



work of the Dutch in Netherlands India did not stand the acid test of modern principles of conduct. Their reputation as governors of tropical countries rested on the fact that for a number of years by brute force and medieval methods they had "made a colony pay." They stood "for no nonsense" about the rights of the natives.

The policy outlined in the Instructions embodied the principle which in recent years had controlled British colonial policy and the language of some of the paragraphs reads like a paraphrase of sections of Queen Victoria's proclamation when in 1858 Great Britain assumed the government of India.<sup>18</sup> The government actually organized for the Philippines resembled somewhat that of a British Crown colony, with the principle of native representation which had been tried with indifferent success in some of the English tropical colonies, such as Jamaica and Mauritius.<sup>19</sup>

The United States had determined to govern the Philippines on lines designed to lead to complete self-government and ultimately to independence, should the people of the territory when that time came so desire. In the meantime the problem was to take a community, which in some respects resembled India, in some Egypt, and in others Ceylon and Jamaica, and devise a government therefor which would secure the peace, order and justice of a British Crown colony, give the natives a practical part in the work of the government, as in India, and inculcate political, social and economic doctrines which, as in Egypt, were designed to train the people for the future control of their affairs.<sup>20</sup>

The exploitation of the natives of tropical colonies for the benefit of foreigners was no longer in theory permitted by any colonizing power. The controlling principle, there-

<sup>18</sup> See *supra*, pp. 56, 57.

<sup>19</sup> *Parl. Blue Book*, p. 9412, July, 1899. Reinsch, *Colonial Government*, p. 219; Bruce, *The Broad Stone of Empire*, I, Chap. VIII.

<sup>20</sup> The original plan of government devised by Secretary Root did not include a bicameral legislative body such as was provided for by the Act of Congress of July 1, 1902. The Filipinos were represented on the commission by natives appointed by the president.

fore, must be that the new government should have for its primary object the well-being of the native people. It must be a government of service. Therefore the commission was solemnly enjoined to remember that the government which they were establishing *was designed not for the satisfaction of the Americans nor for the expression of their theoretical views, but for the happiness and prosperity of the people of the Philippine Islands.* The measures adopted must be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the indispensable requisites of just and efficient government. This particular instruction, which has been faithfully observed to the present day, was the cause of considerable hard feeling on the part of members of the rough and ready American element which was obsessed with the idea that the conquerors should have first consideration.

The work of organization was to begin at the bottom by establishing village or municipal governments in which the natives should be given the opportunity to manage their own local affairs to the fullest extent of which they were capable and subject only to such supervision and control as might be necessary to maintain law, order and loyalty. Next in order should come the organization of governments in the larger administrative divisions, corresponding to counties, departments, or provinces, which should, as far as practicable, be composed of municipalities<sup>21</sup> having natural geographical limits and inhabited by people speaking the same language.<sup>22</sup> In distributing power among these local governments, the presumption was to be in favor of the smaller subdivisions. All power which could be exercised properly by these local governments should be conferred upon them, and only powers of a more general character should be granted to the provincial governments. The idea was to create a system in which the central government should have

<sup>21</sup> A Philippine municipality is a territorial district in which there may be several villages.

<sup>22</sup> It was upon this principle that the Spaniards had fixed the boundaries of the existing provinces, and few changes were found necessary.

direct administration over matters of general concern and such control only over the local governments as was necessary to secure and enforce faithful and efficient administration by local officers.

The municipal officers were to be selected by the people, and in the larger divisions loyal and competent natives were to be given the preference in appointment to office. It was recognized that in the first instance it would be necessary to fill many offices with Americans who after a time might be replaced by natives. As soon as practicable a system for ascertaining the merit and fitness of candidates for office should be devised.

The attention of the commission was directed especially to certain vital questions which required immediate consideration. Probably the most important was that of the claim of ownership by the monastic orders of certain large tracts of agricultural lands. These lands had by a decree of the Philippine Congress been arbitrarily confiscated. A thorough investigation was directed to be made of the titles of lands claimed by individuals or religious orders and of the justice of the claims and complaints of the people, to enable the commission to recommend some wise and peaceable measure for the settlement of the controversy. As far as substantial rights permitted technicalities were to be disregarded, but it had to be remembered:

“That the provision of the Treaty of Paris, pledging the United States to the protection of all rights of property in the islands, and as well the principle of our own Government which prohibits the taking of private property without due process of law shall not be violated; that the welfare of the people of the islands, which should be a paramount consideration, shall be attained consistently with this rule of property right; that if it becomes necessary for the public interest of the people of the islands to dispose of claims to property which the Commission finds to be not lawfully acquired and held, disposition shall be made thereof by due legal procedure, in which there shall be full opportunity for

fair and impartial hearing and judgment; that if the same public interests require the extinguishment of property rights lawfully acquired and held due compensation shall be made out of the public treasury therefor; that no form of religion and no minister of religion shall be forced upon any community or upon any citizen of the islands; that upon the other hand no minister of religion shall be interfered with or molested in following his calling, and that the separation between state and church shall be real, entire, and absolute."

The system of education which had been inaugurated by the military authorities was to be promoted and extended, giving attention first to free primary education, which would fit the people for citizenship and the ordinary avocations of a civilized community. Instruction should be given in every part of the islands in the language of the people, but full opportunity should be given to all of the people to acquire the use of the English language. The subject of taxation was to be left for consideration by the civil government which was to be established under the auspices of the commission. In dealing with the uncivilized tribes the course followed by the United States in dealing with the American Indians was to be adopted. These wild people were to be allowed to retain their tribal organizations, subject to firm and wise regulations designed to prevent barbarous practices and uncivilized customs.

Until September 1, 1890<sup>? 1900</sup> the commission was to devote its attention to these investigations. On that date the part of the power of the government which was of a legislative nature should be transferred from the military governor to the commission and be thereafter exercised by it under rules and regulations prescribed by the secretary of war until the establishment of a complete civil central government, or until Congress should otherwise provide. The legislative power thus conferred included the making of rules and orders having the effect of law for raising revenue by taxation, customs and imposts; the appropriation and expenditure of such funds; the establishment of an educational system and a civil service; the organization and establish-

ment of courts, of municipal and departmental governments, and all other matters of a civil nature for which the military governor was then competent to provide by rules or orders of a legislative character.

The commission was also authorized to appoint such officers as it should provide for in the judicial, educational and civil service systems and in the municipal and provincial governments. This was a grant of a portion of the executive power. Until the complete transfer of control to the civil power the military governor should remain the chief executive head of the government and exercise the executive power not assigned to the commission, subject to the rules and orders enacted by the commission in the exercise of its legislative power. The municipal and departmental governments were to continue to report to the military governor and to be subject to his administrative control under the direction of the secretary of war. This control, however, was to be confined within the narrowest limits consistent with honest and efficient government, the maintenance of order and the protection of individuals. The military forces should be subject at all times to the call of the civil officers for the maintenance of order and the enforcement of their authority. Wherever civil governments were instituted such military posts and garrisons as the commander deemed requisite should be continued for the suppression of disorder.

This government was to be instituted in a country which was practically without what is commonly called native institutions, such as exist in India, China, Java and the Malay country generally. Such as originally existed had long since been displaced or radically modified by the Spaniards. Fortunately the reforms which the Filipinos had been demanding were in harmony with the fundamental ideas of government in the United States. What the Filipinos expressly desired in the way of reforms was what Americans would naturally expect to establish. Hence, the changes made by the new government were really much less radical than they appeared to the world.

The laws and customs of the natives were to be interfered

with as little as possible. Even their prejudices were to be respected. But they were to be made to understand that there are certain great principles of government which lie at the base of the American system and which are essential for the rule of law and maintenance of individual freedom. In all else America said:

“The law that ye make shall be law after the rule of your lands.”

But there were certain practical rules of government which had been found essential for the protection of these great primary principles of liberty, and when these came in conflict with local customs and laws the latter must be set aside. Upon every branch of the government of the Philippines there was imposed the inviolable injunction:

“That no person shall be deprived of life, liberty or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex-post-facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press, or the rights of the people to peaceably assemble and petition the government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.”

With the exception of those relating to trial by jury and the right to carry arms, substantially all the provisions of the Bill of Rights of the Constitution of the United States were thus to be respected in the Philippines.

The commissioners arrived in Manila on June 4, 1900, and were received with proper ceremonies by the military authorities and by representatives of the Filipinos. There was, however, a notable lack of genuine enthusiasm in their reception which might well have chilled the ardor of the newcomers. The Filipinos, while anxious to be relieved from the severities incident to military government, were not willing to commit themselves irrevocably to the uncertainties represented by the proposed civil government. Many interesting things might be written on the undisclosed pages of the book of Fate, and until they could see the page upon which the results of the coming presidential election, then but five months away, were recorded, they deemed it wise to be non-committal. The leading Filipinos were, therefore, formally courteous. The common people were sullen or indifferent. The American army's enthusiasm was confined strictly within the terms of the regulations.

Before entering upon the work of creating a government it was necessary for the commissioners to solve the more prosaic problem of habitations for themselves and their families. This was no easy task in the Manila of 1900. All the "palaces" were in possession of the generals, and an inspection of the available habitations tended to raise doubts as to the advantages of a colonial policy.<sup>23</sup> Even the president of the commission seems to have had some misgivings as to whether the career of a great pro-consul was going to be as attractive as it had seemed from the other side of the Pacific.

But the commission soon learned to accept small favors with a respectful show of courtesy, as we find them reporting to the secretary of war that they had been courteously received and "after about a month" had been "furnished comfortable offices

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<sup>23</sup> Moses, *Unofficial Letters of an Official's Wife*, p. 5. Williams, *The Odyssey of the Philippine Commission*, p. 54.

in the Ayuntamiento." The civilian attachés of the commission, who seem to have been rather unsophisticated in the ways of the military world, found themselves in a strange atmosphere. One of them solemnly recorded in his diary the interesting fact that "there are more captains, majors and colonels here than we had any idea existed." The city of Manila was, in fact, a huge military camp swarming with khaki-clad soldiers. "They patrol the streets, guard the public buildings and perform all the functions of government. We go to bed to the sound of taps and wake to hear the bugles sounding reveille. Military authority is supreme—omnipotent. To be on the street after ten at night is presumptive evidence of treason; any one found abroad after that hour without a pass being hustled to the guard-house. The talk you hear is of 'insurrectos' and of fighting here and fighting there. Manila itself, while perfectly quiet, is disturbed by constant rumors of contemplated attacks. It was currently reported and believed that a demonstration against the city was to follow the arrival of the Commission—just a little something to show how welcome we were. Thus far, however, nothing has happened. We find the army view of the situation decidedly pessimistic. They think it will take years to crush the insurrection and restore public order. This would mean the indefinite continuance of military rule—a prospect much more alluring to many of our officers than the advent of civil government."<sup>24</sup>

Official calls having been duly received and returned with proper ceremony, and the wearing of frock coats and top hats officially condemned,<sup>25</sup> the commission settled down to business

<sup>24</sup> Williams, *The Odyssey of the Philippine Commission*, p. 51.

<sup>25</sup> A good deal of amusement has been got out of the clothes problem in Manila. In Spanish days the frock coat and top hat were universally worn by all dignitaries who were not entitled to wear a uniform. The Filipinos to some extent still indulge in that dignified but, for the tropics, uncomfortable habit. Under date of July 15, 1900, Mr. Williams wrote, "The other day the commissioners made some formal calls dressed in frock coats and silk hats, and returned to the Ayuntamiento heated throughout and dripping with perspiration. When they went into session Judge Taft, as chairman, called for a resolution to the effect that thereafter, no matter what the occasion, frock coats and silk hats be neither worn nor required. With some slight protest from Commissioner Ide, whose residence in Samoa has won him the position of censor in matters of official etiquette, the resolution was adopted. If adhered to it will prove quite a departure from the pomp and the splendor with



in those comfortable but delayed quarters in the Ayuntamiento for which they were so grateful. There in the dignified *Palacio* fronting the Plaza where stood the bronze statue of Charles IV, with its stately stairway, resounding corridors and lofty though dilapidated apartments, under the pictorial gaze of many gorgeously appareled Spanish dignitaries of the era which had passed as in a night, they commenced the tedious nerve-wrecking and health-destroying labor of building a state on American lines upon the ruins of a semi-oriental province.

The prospects were not very encouraging. The army was unsympathetic. To the natives the commission represented the undesired rule of a conquering foreign power. Infinite patience, good judgment and skilful diplomacy only would gain their confidence. A brief general statement of the purposes of the commission was issued.<sup>26</sup> The people were assured that the commissioners were men of peace, who would confine their work to regions where there was no longer resistance to American arms, and that they could rely on the justice and clemency of the United States. Buencamino published a full stenographic report of an interview with the commission, in which the plans of the government were quite fully stated.<sup>27</sup> Two days in each week were set aside for open sessions and the people were invited to appear and give the commission the benefit of criticisms and suggestions as to necessary legislation. Many Filipinos availed

which officialdom arrayed itself in old days." *The Odyssey of the Philippine Commission*, p. 63.

Thereafter until the arrival of Governor-General Harrison in 1913, this rule of self-denial was very generally adhered to. According to the newspapers, Governor-General Harrison cabled from Nagasaki that he would arrive in Manila wearing a "cutaway coat and a silk hat," thereby causing great consternation in Manila and the resurrection of top hats of remote vintage.

American prestige has, in fact, suffered considerably from excessive inattention to such matters. Democracy as operated in the western states is not always appreciated in the Orient. One governor-general delivered his inauguration address clothed in "the simple dress of an American citizen of the Philippines," that is, like a barber in the United States. Army and naval officers in full uniform and Supreme Court justices in silk robes appeared more dignified than the new chief magistrate in his *négligé*; but probably they were not so comfortable.

<sup>26</sup> *Rept. Phil. Com.*, 1900, Ex. A.

<sup>27</sup> Published in *El Diario de Manila*, August 3, 1900.

themselves of this opportunity. Mabini, then a prisoner in Manila, was wheeled into the audience room and delivered a long speech on the general principles of freedom and liberty and the inherent right of individuals and races to shape their own destiny. His reply to an inquiry by the president of the commission was destined to be often quoted as illustrating the impracticable character of even the most intellectual type of Filipinos.

"But suppose," said Mr. Taft,<sup>28</sup> "the Americans should withdraw and this freedom of which you speak be granted you, what then? Your country is composed of many scattered islands, some of them inhabited by savages, and all of them by people speaking different dialects and without any cohesion of ideas or experience in government. You occupy an exposed and coveted position in the path of world commerce, and would doubtless be called upon very soon to defend your nationality. You have many foreigners living here, for whose lives and property you would be held accountable, not only from outside interference, but from the ambitions and jealousies of your own people. To protect your country from these dangers you would need an army of considerable strength and at least the nucleus of a navy. All these things, together with the necessary expenses of government, would cost a great deal of money. Your country and people are poor and your industries paralyzed. Waiving, therefore, all question of your ability to govern yourselves, I would ask how you propose to raise the revenues necessary to preserve and administer such a government?"

To this inquiry Mabini simply shrugged his shoulders and replied, "The question of revenue *is a mere detail*."

Subjects for special investigation and study were assigned to the several members of the commission, Mr. Taft taking the friar and land questions and the civil service. A list of questions covering the moral, economic and educational phases of the religious questions was sent to prominent Filipinos and attracted much attention, as the questions related to what the natives regarded as the most vital of all subjects.<sup>29</sup>

<sup>28</sup> Williams' *Odyssey*, p. 70.

<sup>29</sup> *El Diario De Manila*, Sept. 3, 1890.

While the work of investigation, consultation and legislation proceeded in Manila, the guerrillas continued active in the provinces. It was absolutely necessary that order should now be restored, and as preliminary to severe measures it was decided to try the effect of extreme clemency. On June 21, 1900, General MacArthur, as military governor, issued an order tendering complete immunity for the past and liberty of action for the future to all who had been in insurrection against the United States who should within ninety days formally renounce their connection with the insurgents and accept the sovereignty of the United States in the Philippines. Those who accepted the benefits of this amnesty would be given transportation to their homes. To provide in some measure for the Filipino soldiers who during a time would be destitute, the government offered to pay thirty pesos to each man who surrendered a rifle in good condition. The results were not commensurate with the liberality of the terms offered. Only five thousand persons, of all grades of the civil and military service, presented themselves and took the oath. Among the number, however, were Don Pedro Paterno, former president of the Philippine Cabinet; General Ambrosia Flores, former secretary of war, and several of the most active of the military officers.<sup>30</sup>

When the amnesty expired, on September 21, the situation had undergone but little change. The disorganized Filipinos struggled on in the forlorn hope that W. J. Bryan would be elected president in November. Even during the preceding year the insurgent leaders encouraged their followers by asserting that the majority of the American people were in favor of acknowledging their independence, and that the Democratic party would elect its candidate for president.<sup>31</sup> Mr. Bryan devoted a great

<sup>30</sup> Paterno, of Biak-na-bató fame, immediately became for a time an enthusiastic *Americanista*. For an account of his famous *fieste* to celebrate the amnesty, see Williams, *Odyssey of the Philippine Commission*, p. 66. Report of General MacArthur, *House Doc. 2*, pp. 69-77.

<sup>31</sup> The Filipino leaders claimed that they were being encouraged by prominent Americans to continue their resistance.

On May 1, 1900, Santos, reporting to Aguinaldo on the work of agents in the United States, wrote that Apacible, Sexto López and Del Pan met in Toronto in February and proceeded to the United States, where they "suc-

part of his letter of acceptance to the question, and succeeded in making the present and future of the Philippines a party ques-

ceeded in interviewing Bryan, who happened to be in New York. Señor Raff (Sexto López) said that Bryan feared being present at a conference lest he might be called a traitor by members of his own party, and also by those of the opposite or 'imperialist' party, who are quite proud of the victories they have gained against our people over there. Nevertheless, Raff was able to be present and talk at some of the anti-imperialist meetings, our political friends introducing him as a friend from the committee (at Hong Kong) and as an advocate of the cessation of the war over there, in order that our sacred rights may be given consideration by them. And as Bryan could not personally take part in the conference, he sent a most trusted person, his right-hand man, Doctor Gardner. The results of the conference between Señor Raff and Doctor Gardner, the latter acting in the name of Bryan, are as follows:

"That we may fight on, and Bryan will never cease to defend our sacred rights. That we must never mention Bryan's name in our manifestos and proclamations, lest the opposite party might say he is a traitor. That we are in the right; and hence he promised in the name of Bryan that if this Señor Bryan is victorious in the presidential campaign he will recognize our independence without delay. Your honored self can easily conclude from all the foregoing that Señor Del Pan, after the receipt of these promises, concurred with him; and he returned to inform Señor Apacible about the results of the conference. So these two studied over the plan of the policy to be adopted and carried out. I write you what their opinions are, viz.: First, that they will reside there, pending the outcome of the presidential contest, aiding the propaganda and enlivening it until November, the date set for the desired thing. Owing to what Doctor Gardner said and promised in the name of Bryan, some one ought to stay there in order that Bryan may be approached, if he is elected, so he can sign the recognition of our independence; and this should be done at once, lest in his excitement over the victory he should forget his promise. Third. For carrying out the two propositions just mentioned, they request 2,000 pounds sterling, that is, \$20,000 in silver, to be used for the propaganda, for paying newspapers and for bribing senators—this last clause is somewhat dangerous and impossible. And fourth, that the money must be spent immediately, and that you should be informed not to mention the name of Bryan in the manifestos and proclamations.

"In order to answer quickly and decisively that proposition, and as I did not have the desired money here, I answered as follows: 'Plan approved; for the sake of economy we have decided that one of the two retire, but before doing so make arrangements, establish communications with leaders of Bryan's party, and he who remains should thus cultivate the relations; he who is to retire will locate himself in Paris near Señor Katipalad (Agoncillo), with whom he will secretly discuss political problems that may arise. So he will watch for the opportune moment of Bryan's election, in order to go immediately to Hayti (United States) and formally arrange the contract with Bryan.'

The insurgent leaders were active in distributing encouraging "news" among their adherents. Major Taylor says:

"There are a number of these publications among the papers captured from the insurgents, and the adoption of this method of propaganda seems to have been nearly coincident with Aguinaldo's orders declaring guerrilla warfare. It does not seem likely that the matter contained in them was supplied by a Filipino, for if it was he assumed a general acquaintance among the people with American politics and American methods which they were far from possessing.

"In these publications the Filipinos were assured that the Imperialists were

tion, if not the "paramount issue" in the campaign. The Democratic platform in 1900 announced that:

"We declare again that all governments instituted among men derive their just powers from the consent of the governed; that any government not based upon the consent of the governed is a tyranny, and that to impose upon any people a government of force is to substitute the methods of imperialism for those of a republic.

"We assert that no nation can long endure half republic and half empire, and we warn the American people that imperialism abroad will lead quickly and inevitably to despotism at home.

"We condemn and denounce the Philippine policy of the present administration.

"The Filipinos can not be citizens without endangering our civilization; they can not be subjects without imperiling our form of government; and as we are not willing to surrender our civilization or to convert the Republic into an empire, we favor

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kept in power only by the lavish contributions of the 'trusts,' whatever they may have been; but the people of the United States were growing weary of their domination and were about to return to the true principles of Washington and Jefferson. The illustrious Americans 'Crosby Sticney and Vart-ridge' were all laboring for the cause of Philippine independence. Long lists of American cities were given in which the illustrious orators, Mr. Crosby and Mr. Schurts had addressed applauding crowds upon the necessity of throttling the 'trusts' because they opposed recognition of the rights of the Filipinos. In August, 1900, 'News from our agents in America' informed its readers that—

"W. J. Bryan has stated in a speech that his first act upon being elected president will be to declare the independence of the Philippines."

"On June 16, 1900, Gen. Riego de Dios, acting head of the Hong Kong *junta*, wrote to Gen. I. Torres (P. I. R., 530), the guerrilla commander in Bulacán Province, and assured him that a little more endurance, a little more constancy, was all that was needed to secure the attainment of their ends. According to their advices the Democratic party would win in the approaching elections in the United States, and—"it is certain that Bryan is the incarnation of our independence."

"The number of men opposed to the policy of the administration was said to be continually increasing.

"The attitude of those who protect us can not be more manly and resolute. 'Continue the struggle until you conquer or die,' Mr. Beecher of the League of Cincinnati writes us. 'I shall always be the champion of the cause of justice and of truth,' says Mr. Winslow, of the Boston League. 'Not even threats of imprisonment will make me cease in my undertaking,' Doctor Denziger assures us. 'I shall accept every risk and responsibility,' says Doctor Levenson. 'If it is necessary, I shall go so far as to provoke a revolution in my own country,' repeats Mr. Udell. 'It is necessary to save the Republic and democracy from the abyss of imperialism' is cried by all, and the sound of this cry is ever rising louder and louder." Taylor, 13, 15 and 16, KK. E. Quoted in *Worcester*, I, Chap. X.

an immediate declaration of the Nation's purpose to give the Filipinos, first, a stable form of government; second, independence, and, third, protection from outside interference, such as has been given for nearly a century to the Republics of Central and South America."

The Republican platform approved what the administration had done and promised to the Filipinos the largest measure of self-government consistent with their welfare.<sup>32</sup>

The reelection of McKinley was a deathblow to the Anti-Imperialist movement in the United States. It was also a bitter disappointment to the insurgent leaders in the Philippines. Very soon after the election the commission announced that there was very little life left in the remains of the insurrection and that "no one breathed more freely and took more enjoyment in the result as announced than the conservative Filipino people."<sup>33</sup>

The opportune moment was now seized to strike a final blow at what remained of the insurrection. More than a year earlier General MacArthur had urged General Otis to inaugurate a more drastic policy.<sup>34</sup> The clemency shown captured soldiers, and particularly the people who rendered assistance to the guerrillas, seems to have been misconstrued. Such extreme leniency had been regarded as evidence of conscious weakness and had induced grave doubts in the minds of the Filipinos as to the wisdom of casting in their lots with a power which at any time might decide to abandon the islands. From his point of view the native might very reasonably conclude that it were better to be a patriot and stand well with the insurgent leaders, who punished disloyalty by death, than to adhere to the foolish Americans, who, at the

<sup>32</sup> See the Republican and Democratic text-books for 1900.

<sup>33</sup> *Rept. Phil. Com.*, 1901, p. 34.

The reports as to conditions sent by the military governor and subsequently by the commission were often unduly optimistic. The inevitable tendency was to overrate the value of the friendly assurances of the natives with whom they were in personal contact and to underestimate the strength of their natural and racial dislike of the conquering Americans. Every oriental is an expert in the art of dissimulation, and even the Spaniard does not, when he presents you with his house, expect you to take him literally and demand a deed thereof.

<sup>34</sup> *Rept. War Dept.*, 1900, I, Part 8, pp. 59, 60.

worst, did no more than disarm and admonish the citizen discovered trafficking with the guerrillas. The insurgent leaders adhered inflexibly to the rule that every native who resided within the limits of the Philippines owed active allegiance to their cause, and the observance of the doctrine was enforced through secret agents even within the limits of American garrisons. Punishments, even capital, were administered without resistance by the victims. A strange mixture of apathy, ignorance, timidity and loyalty which incite our pity induced most of the people to acquiesce in this assumed authority. Even assassination was accepted apparently as a legitimate exercise of power. Many individuals marked for death would not appeal to the Americans for the protection which was at hand, or give the information which would insure their safety.

On December 20, 1900, there was issued another proclamation designed to inform the people that in the future the strict rules of war would be enforced against all who violated them. The law relating to occupied places was something of a revelation to them.

"The white population," says General MacArthur, "especially the part thereof residing in Manila, was perhaps quite as much, if not more, surprised at the views propounded and the penalties prescribed than the natives. The Filipino military leaders probably had never before been informed of the existence of such a law and the possible application thereof to their own actions. As an educational document the effect was immediate and far-reaching. From the date of its issuance secret resistance and apathy began to diminish, and kidnaping and assassination were much abated. In a very short time these malign influences were to a great extent superseded by cooperation and active interest in American affairs. Rarely in war has a single document been so instrumental in influencing ultimate results."<sup>35</sup>

<sup>35</sup> *House Doc. 2, 57th Cong., 1st Sess., Part 2, pp. 91, 93.* For the order directing strict enforcement of the law as outlined in the proclamation, see p. 93. "In December Gen. MacArthur issued a proclamation warning all who were aiding and abetting the insurrections by furnishing funds and other assistance that they would be severely dealt with. Many persons suspected of complicity in offenses of this description were imprisoned, and it ceased to be regarded as an innocent amusement to enjoy life within American garrisons and assist the guerrillas in the woods and mountains." *Rept. Phil. Com., 1901.*

To remove any lingering doubts from the minds of those who were skeptical as to the seriousness of the government a number of the most active politicians and military leaders were banished to the island of Guam until such time as conditions in the Philippines should justify their return.<sup>36</sup> All persons captured in the field were thereafter to be retained in custody.

The policy declared in this proclamation and the removal of the leading agitators encouraged conservative Filipinos to organize for effective peace work. This movement resulted in the creation of the first Filipino political party under American government. Manifestly such a party might become an important factor for crystallizing such sentiment as existed favorable to the United States and thus advance the work of pacification. Both the military governor and the members of the commission encouraged the organization of this party.<sup>37</sup>

Soon after the amnesty proclamation of December 20 was issued, Arellano, Torres, Buencamino and others met in Manila and adopted certain principles which for a time appeared satisfactory to the intelligent natives. The organization included the leading men of the islands who were not under arms, many of whom are still serving the government with distinction to themselves and their countrymen. Their platform called for the recognition of American sovereignty, guarantees for personal property and religious rights, local self-government, free education, a legislative body with a Senate and House of Representatives, representation in the American Congress, a governor-general

<sup>36</sup> Gen. Order No. 4, Jan. 4, 1901. Under this order Ricarte, Pio Del Pilar, Mabini, Pablo Ocampo, Trias, Manuel E. Roxas and others were sent to Guam. During the month of January, 1901, many others of the irreconcilables were also deported.

<sup>37</sup> "There was an organized political party in 1900 called the Federal party, which advocated permanent annexation of the Philippines to the United States, to become later a state of the Union. That party I think lived about two years. They found more opposition in this country than in the Philippines. They did not find any one in the United States from the President, then Governor of the Islands, down, who ever entertained the idea of bringing the Philippines into the Union as a State. In fact, President Taft, testifying before the Insular Committee at that time, said: 'I never encouraged the idea'—the hope of Statehood." Testimony of Manuel Quezon, before *Com. on Ins. Affairs*, Feb. 24, 1913. *Hearing on H. R. 200049 (Jones Bill)*.



with the power of veto, governors of provinces to be appointed by the governor-general with the advice and consent of the Senate, a judiciary to be appointed by the governor-general, and, ultimately, the admission of the islands as a state of the American Union.<sup>38</sup>

Three months after assuming its legislative duties the commission was able to report that forty-seven laws had been enacted. A year later Secretary Root called the attention of Congress to two hundred and sixty-three Philippine statutes, and expressed the hope that the work of the commission would "receive the approval which I believe it merits for its high quality of constructive ability, its wise adaptation to the ends desirable to be accomplished, and its faithful adherence to the principles controlling our government."

The most important of these statutes were the results of patient study of actual conditions by the military and civil authorities. While having no greater legal force than the orders of a military commander, they were for all practical purposes statutes. They had been publicly introduced into the formal body which the president had designated to exercise the legislative power, subject to his approval, and had been duly printed, discussed and passed according to the ordinary procedure of legislative bodies.

The Philippines thus at that early date had all the practical advantages of having the legislative separated from the executive authority; the laws matured under the influence of public discussion and deliberation; the laws certain, permanent and known; and the public money expended only pursuant to previous appropriations duly made, so that official accountability could be enforced by a rigid system of audit, testing the accounts of all disbursing officers from the lowest to the highest by reference to a fixed standard of lawful authority.<sup>39</sup>

The idea was universally prevalent that the personnel of the

<sup>38</sup> Dr. Pardo de Tavera, Filipe Buencamino, and Florentine Torres subsequently wrote detailed accounts of the organization and purposes of the Federal party. See *H. Doc. 2, 56 Cong., 2nd Sess.*, Pt. 2, p. 114, for these statements and also the platform of the party. The party was short lived, being succeeded by the *Progresista* party.

<sup>39</sup> *Rept. Secy. of War*, 1901.

Spanish government had been dishonest in the handling of public money. Undoubtedly there were faithful and honest Spanish officials, but the system under which they worked made no provision for proper salaries and the government sent its appointees out with the implied understanding that they might acquire wealth by well understood methods. The official class had come to the conclusion that public money like holy water was free.

The Filipinos were familiar with that system and assumed that every official would appropriate a certain portion of the money which came into his hands. To them it seemed as natural for an official to steal as for a fruit bat to eat fruit. It would take time and careful training to eradicate this idea. After ten years of American rule a district engineer, when asked if the people of his province at last believed that he honestly expended all public funds, replied that they did but that *they could not yet understand why he was so foolish as to do so*. Some progress, at least, had been made.

One of the very last things an oriental grasps is the western idea of the sacredness of public funds and the Filipino was an oriental who had been trained in a very bad school of official morality. To institute a popular government under such conditions and secure officers who would honestly collect and expend the taxes was no easy task. It was indispensable that officials should be obtained or developed who would be honest and efficient according to American standards. The greater number of officials would be natives. The elective officers in the municipalities would be such as the electors chose to select. The instructions of the president required that when practicable Filipinos should be given the preference in appointments to office. But such natives as were then qualified to hold office had been trained in the Spanish service, and it was to be expected that some of these men, when trusted with official control over the affairs of their fellow citizens, would be guilty of financial irregularities. It was hoped that after a time with the better salaries and the example of honest American officers a higher standard of official integrity would be developed.

There was also grave danger that Americans unaccustomed to power over such people and as yet without the spirit which is developed in an established service such as that of the English in India and Egypt, would occasionally prove unable to withstand the subtle temptations of the country. Many of them were in the islands with the reasonable and proper hope and expectation of accumulating a competence. Far from home and its associations and without the restraints of a settled community, subject to the temptations offered in a country of loose official morals by persons seeking to escape lawful burdens or obtain fraudulent advantages, it would be surprising indeed if some of them did not prove unworthy. To avoid as far as possible the dangers inseparable from such conditions it was necessary that a system of selection should be devised which would eliminate favoritism and politics, provide adequate salaries, liberal leaves of absence, and cultivate an interest in and an enthusiasm for the service. It was equally essential that the system adopted should be administered with impartiality, because "in no part of the world does rumor of injustice or fraud or underhand methods in the administration of public office receive so much credit as in the Orient."<sup>40</sup> The commission, therefore, as one of its first legislative acts passed a civil service law which was, in fact, much superior to the one in force in the United States.<sup>41</sup>

<sup>40</sup> *Rept. Phil. Com.*, 1900, p. 36.

<sup>41</sup> Act No. 5 (Sept. 19, 1900). Printed in *Rept. Phil. Com.*, 1900, p. 13 *et seq.*

This important fact escaped the notice of even the chairman of the Senate Committee on the Philippines.

The following extract from the testimony taken by the Senate Committee on the Philippines during the winter of 1914-15 is interesting. Former Vice-Governor Gilbert was on the stand.

Senator Lane. "Yes, was he covered in under the civil service or was it an appointment?"

*The Chairman (Senator Hitchcock).* "None of them. I do not think there is any civil service in the Philippine Islands."

Mr. Gilbert. "Oh, yes, sir, we have had a civil service law, which has been observed, I think I may say, very scrupulously, for many years. . . ."

Senator Crawford. "That has been generally true ever since the Commission first went there. It is a merit system."

Mr. Gilbert. "It was one of the earliest systems that was established." *Hearings on H. R. 18459*, p. 604.

C. S. ARELLANO, CHIEF JUSTICE, SUPREME COURT OF THE PHILIPPINES







Another important matter which required immediate attention was the reorganization of the judicial system. There was much criticism of the personnel of the courts as organized by the military government.<sup>42</sup> The framing and enactment of a new statute was attended with considerable excitement. It is notoriously difficult to induce any interested body or faction in Manila to act upon any public matter at the proper time. When legislation in which they are vitally interested is pending, they ordinarily ignore requests to appear until the question has been settled and the legislature is ready for the final vote, when they suddenly appear and excitedly ask for a continuance until they can have an opportunity to investigate matters. The lawyers, organized under the title of the College of Advocates, ostentatiously refused to attend the public sessions of the commission because some eight months had not been sufficient time for them to begin to study the proposed law. The commission thus was deprived of the benefit of their valuable advice and assistance.

Under the new act permanent judges were to be appointed by the commission in all the courts. The Supreme Court, consisting of a chief justice and six associate justices, was to sit at Manila, Iloilo and Cebu. Courts of first instance were to be held in each of fourteen judicial districts, and certain municipalities were to have municipal courts.<sup>43</sup> As organized the members of the Supreme Court were Cayetano S. Arellano, Chief Justice; and Florentino Torres, Victorina Mapa, Joseph F. Cooper, James F. Smith and Charles A. Willard, Associate Justices. Señor Arellano had been chief justice of the former court, and was the Filipino of all others upon whom the various military governors had relied for assistance in establishing peace, law and order. Señor Torres, who at the time of his appointment was attorney-general, had, like the chief justice, worked faithfully along the same lines. Señor Mapa was a Visayan from Iloilo who had not previously taken an active part in public af-

<sup>42</sup> See *Rept. War Dept.*, 1900, I, Part 10, p. 19, for comments of Lieut. Col. Crowder, the military secretary.

<sup>43</sup> Acts Nos. 136 and 140 (June 12, 1901), defined the judicial districts.



fairs. Justice Smith at the time of his appointment was collector of customs and had been a brigadier-general of volunteers and military governor of Negros.

The Spanish code of criminal procedure had been amended by General Order 58, issued April 23, 1900, so as to abolish the old inquisitorial methods and conform to American procedure.<sup>44</sup> The work was so well done that it has since been but slightly amended.<sup>45</sup> A code of civil procedure which it was hoped would relieve the people from the oppressive burdens of the old system was enacted.<sup>46</sup>

The selection of the judges for the courts of first instance was attended with much agitated discussion. "Believing the judiciary a critical point in our administration," wrote a contemporaneous observer, "the commission proposed making a somewhat clean sweep of the present personnel and naming men of tried standing from the States. This has driven the native press into paroxysms. They say the Filipino judges stood by the American government during the time of trial and that they are now to be ousted without any proof of guilt or incompetency; that if they have done wrong then let charges be brought against them. Our American press while violent enough in its opposition to appointing Filipinos, is pro-military and condemns the Commission for overlooking the judicial merits of various volunteer army officers whose commissions expire shortly."<sup>47</sup> Against the protest of many interested parties, it

<sup>44</sup> For a summary of the changes made, see *Rept. War Dept.*, 1900, I, Part 10, p. 17 *et seq.*

<sup>45</sup> "The preparation of a reformed code of criminal procedure was largely the work of Judge Young, who was also a member of the board convened to frame the new municipal law (General Order No. 40)." *Rept. Lt. Col. E. H. Crowder, Mil. Secy.*, Sept. 20, 1900. *Rept. War Dept.*, 1900, I, p. 20.

<sup>46</sup> Act No. 190 (August 7, 1901. For a description of the old system, see p. 246, *supra*; also, Williams, *Odyssey*, p. 92.

<sup>47</sup> Williams, *Odyssey*, p. 252. "The American bar of Manila is also up in arms, and is literally pawing the air because the Commission has provided that Spanish shall continue the official language of the Courts until 1906. They want English substituted at once even though it would result in eliminating practically every Filipino from the practice. Their attitude has the support of the American papers, and is condemned utterly by the Spanish-Filipino press."

was determined that the Spanish language should be the official language of the courts until 1906.<sup>48</sup>

The president's instructions required the organization of municipal governments at as early a date as possible. But the previous enactment of a new municipal code was necessary. In 1893 Minister Maura wrote that "the local institutions of the Philippines have arrived at such a state of decadence and misunderstanding that those of their members who have not been corrupted are atrophied and useless." The new Maura Law was in effect in only a few localities. Municipal governments had been provided for by General Order Number 43.<sup>49</sup> On further considerations the military governor had on January 29, 1900, appointed the always willing and efficient Chief Justice Arellano and Attorney-General Torres and the three American judges, a board charged with the duty of devising a complete system of municipal government adapted to the new conditions, under which the people might control their own local affairs through officers of their own selection. This board drafted a law<sup>50</sup> of which it said:

"For the first time the Filipino people are to exercise the right of suffrage in the election of municipal officers, a right only slightly restricted by conditions which have been imposed for the purpose of rewarding as well as encouraging the people in their just and natural aspirations to become educated and worthy to enjoy all the benefits of civilization."

When the commission arrived in the islands, a few towns had applied for organization under this code, but none in fact had been organized.<sup>51</sup> At the request of the commission no new applications were received, and matters were held in abeyance until it should assume its legislative functions. In the meantime the order was printed in Spanish, Tagalog and Visayan

<sup>48</sup> The date was extended and Spanish is still the official language of the courts.

<sup>49</sup> Series of 1899.

<sup>50</sup> Gen. Order No. 40. Series of 1900, promulgated March 29, 1900.

<sup>51</sup> See Lt. Col. Crowder's report on municipal governments, *Rept. War Dept.*, 1900, I, Part 10, p. 28 *et seq.*

and widely distributed and discussed by the people. Some fifty towns, which had applied early, were organized so that when the commission undertook to draft a new code, it had the benefit of much advice and some experience under the existing law. The new law which was passed in 1901, was based upon Order Number 40.<sup>52</sup>

This beginning the work of introducing popular government at the bottom and working upward was much criticized by those who believed in what had been described as "Oriental government under the control of a system of sentry boxes,"—the method by which the Dutch had governed Netherlands India. Nevertheless it was strictly logical and in accord with the teachings of history. In primitive communities the unit of government is always a group of people living as a small community and governing themselves on democratic principles.<sup>53</sup> It was in the local communities that "governments essentially popular" would be most likely to succeed, because the people had already some experience in self-government.

Another act which provided for the organization of provincial governments, was general in form and required a special act to put it into effect in any particular province.

Having provided the machinery for local government, the commission's next task was to put it in operation in the pacified provinces. The president's instructions were to organize the municipalities first. But matters had moved so rapidly that it was decided to establish provincial governments first and appoint the provincial governors chairmen of committees to organize municipalities.

The organization of these governments was made the occasion for a somewhat spectacular tour about the islands. The members of the commission had been kept closely confined to Manila

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<sup>52</sup> *Rept. Phil. Com.*, 1900, p. 53; *Ibid.*, 1901, p. 154.

<sup>53</sup> It is a curious fact that despotisms usually embrace democracies. In speaking of the political system of the East, Sir Charles Elliott (*Letters from the Far East*, p. 4) says: "The political system nearly always consists of a democracy beneath a despotism which allows surprisingly free play to individual careers, although progressive movements rarely succeed unless aided from without."

and from personal observation knew little of the actual conditions in distant provinces. It was an opportunity for them to see the country and cultivate friendly, personal relations with the people who never visited the capital city. So the commission with its accessories and impedimenta traveled to the places where provincial governments were to be organized and after full investigation of local conditions proceeded to exercise its executive and legislative functions on the spot. Probably never before since the days when new laws sprang from the mouths of peripatetic monarchs had a fully equipped legislature wandered about the country seeking evils to be remedied.

It was the first of many such official tours. It is customary in India for the governors to travel throughout the country for purposes of inspection with elaborate trains, living in tents and holding solemn durbars. The Philippine Commission in a very democratic way visited the people, slept in their houses, ate at their tables, and met their leading men and women on a basis of perfect social equality. The Filipinos were greatly flattered by the visits and by the attentions paid them as individuals and exerted themselves to justify their reputation for hospitality. These inspection trips are so important a part of the life of a high government official in the Philippines that a somewhat detailed description of the methods of procedure is justified. On all such occasions the real wear and tear results from the social activities. The play is the killing work; the dancing, dining and eating, the serious danger to health and happiness. The *baile* is an official dance held in the town hall or school building when available, and is always opened with the stately *rigodon* led by the ranking visiting official with the wife of the ranking local official. A crowded ballroom in the tropics presents few temptations to a normal middle-aged American of even average avoirdupois. The members of the commission who made this first grand tour of the islands were large men physically,<sup>54</sup> but they

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<sup>54</sup> The aggregate weight of the five members of the commission and its secretary was 1,362 pounds, an average of 227 pounds each. The Filipinos, who are small people, regarded the commission as an imposing spectacle.

had a lofty sense of duty which enabled them during two months to participate in from one to five banquets a day, make many speeches, hold trying public sessions, organize and launch local governments, and dance with the ladies until after midnight.

During February and March, 1901, the commission visited provinces north of Manila and were received with great enthusiasm by the native people.<sup>55</sup> The general method of procedure was the same in all the provinces. Upon arriving at the capital the commission would consult with the American army officer stationed there with reference to conditions, candidates for office, and other matters which might enable them to carry on an intelligent discussion with the people. It then met in convention with the *presidentes*, municipal counselors and principal men who had been summoned to the meeting. The important towns of the province were generally well represented. Mr. Taft as president of the commission would state the purposes of the visit and explain the provisions of the provincial government law. The provisions to be inserted in the special act for the province relating to the capital, boundaries, salaries of officials and other local matters, would be fully discussed and if in the

<sup>55</sup> The party consisted of Commissioners Taft, Worcester, Wright and Moses, with Arthur F. Fergusson, Secretary of the Commission, and a full complement of subordinates. With them went Chief Justice Arellano, Dr. Pardo de Tavera, Señores Flores and Herrera, representing the federal party, and representatives of the American and Spanish-Filipino press. One of the private secretaries thus described the procedure:

"Our progress along the railroad was a continuous ovation. The first stop was at Bocaue, where a throng of people and two bands—both playing at once—heralded our arrival. A number of leading citizens, dressed in customary official black, said they were glad to see us, to which Judge Taft responded, *nosotros tambien*. General Flores then made a short talk in Tagalog, the purport of which was that if the people behaved themselves things would come their way. The crowd in the meantime gazed at us in petrified silence broken only when the train started, by *vivas* for *La Comisión Civil*, for America, and various other entities. At Guiguinto we had more music and more speeches, De Tavera getting into the game here with some good advice to the populace. . . . The above proceeding was repeated with variations as to speakers at Malolos and Calumpit. . . . At San Fernando, where we left the train, the military added their pageantry to that of the natives, the place being decked in holiday attire. Carriages were in waiting and we were conducted in state through a succession of streets spanned by triumphal arches of palm and bamboo. The schools had been dismissed and the children, each with a tiny American flag stuck stiffly up in front, were lined up to greet us." Williams, *The Odyssey of the Philippine Commission*, p. 146.

judgment of the commission a provincial government should be established, the first officers were appointed and sworn in.

These formal hearings were supplemented by public receptions, investigations, dances and banquets, which were not the least important of the means by which the commission cultivated the good will of the Filipinos.

The southern trip extended from March 4 to May 3 and was a repetition with local variations, of the experiences in the northern provinces. In describing one of the innumerable *bailes*, Mr. Williams wrote:

"There was the usual crowd of men in official black bowing and smiling, with a background of dainty femininity bedecked with jewels and fine raiment. It was a scene full of color, with no hint of that grim figure, scarcely out of sight, which had so lately traced its course in blood and flame across the lives of the people. The situation seemed a bit unreal. It was hard to understand why the passionate hatreds of war had left no apparent bitterness in their wake."

This was explained by one of the guests who spoke of life under the Spaniards when the Filipinos were treated as inferiors and permitted no participation in public affairs; of the coming of the Americans and the insurrection waged by ambitious leaders who misrepresented the character and purposes of the Americans; of the discovery that American soldiers and officers were willing to be the friends of the people; that a provincial government had just been organized, and that the "Commission had honored them with a visit and had given personal assurance not only that we held no animosity against them but would help them to realize their legitimate aspirations."<sup>56</sup>

<sup>56</sup> Williams, *Odyssey*, pp. 171-2.

"The reception which was accorded the Commission by the educated people and the common people alike was most gratifying. It is easy to discredit the sincerity of such manifestations and it must be admitted that an Oriental people like this are much more demonstrative and love to show their feelings in *fiestas*, music, flowers, and arches more than an Occidental people, but the evidences of the sincerest interest in our work and of a real cordial welcome were too many to be doubted. The interest which was taken in the discussion varied, of course, in different provinces. But in all, the attention given to the

The party visited all the southern provinces including the Moro country where friendly relations were established with the Sultan of Sulu who had recently become famous in America as the hero of a comic opera. The provinces of Surigao and Misamis were carved out of sections of Mindanao and given provincial governments.<sup>57</sup>

The first week in May found the commission back in Manila busily engaged in organizing governments in the remaining provinces of Luzon and preparing for the coming installation of the central civil government.

The commission was seriously embarrassed in its work by limitations upon its legislative power. Many subjects which required consideration were deemed beyond the war powers of the president. There were some strict constructionists who doubted the validity of many things which were being done, even the action of the president in creating the commission. In order to remove such doubts Congress was urged to confirm what had been done and specifically to authorize the commission to enact laws with reference to public lands, mining, franchises, and other matters deemed necessary for the development of the country.

On March 2, 1901, Congress took its first halting step toward the performance of its constitutional duty to provide rules and regulations for the new territory.<sup>58</sup> The Spooner Act, however, did little more than approve what the president had done by virtue of the war power and authorize him to continue governing the islands. It provided that "all military, civil and judicial powers necessary to govern the Philippine Islands acquired from Spain . . . shall, until otherwise provided by Congress be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for

proceedings was unusual and the gratitude of the people for the establishment of civil governments was certain and clear." Report of Governor Taft, Feb. 1, 1902 (*Rept. Phil. Com.*, 1900-3, p. 136).

<sup>57</sup> Williams records that proper notice of the arrival of the commission had not been given to Surigao and there was some trouble in arranging for the public reception owing to the fact that five of the *presidentes* were in jail charged with furnishing supplies to the insurgents.

<sup>58</sup> The so-called Spooner Amendment to the Army App. Bill. See *Rept. Phil. Com.*, 1900-3, p. 274.

the establishment of civil government and for maintaining and protecting the inhabitants of such islands in the free enjoyment of their liberty, property and religion." But what was thus granted in general terms was so limited by provisos as to practically destroy the value of the legislation.

Congress was very anxious to conserve the public domain in the Philippines and protect it from the exploiters who were assumed to be hovering over the islands. After stating that until a permanent government should be established full reports of all legislative proceedings should be made to Congress and reports as to general conditions to the president, it provided "that no sale or lease or other disposition of the public lands or the timber thereon, or the mining rights therein, shall be made," thus specifically denying to the commission the powers which it deemed most necessary for the public welfare. Franchises approved by the president were authorized to be granted, but they must contain a reservation of the right to alter, amend, or repeal, and only such should be granted as in the judgment of the president were clearly necessary for the immediate good of the islands and indispensable for the interest of the people, and which could not without great mischief be postponed until the establishment of permanent civil government. Every franchise granted under this carefully guarded authority should terminate one year after the establishment of such civil government. This legislation did nothing toward bettering conditions.<sup>59</sup>

While at Jolo the commission had learned of the capture of the insurgent leader. Aguinaldo had played no particular part in the guerrilla operations which were carried on after he disappeared into the wilderness in December, 1899. He had, however, kept

<sup>59</sup> "Word has come of the passage by Congress of the so-called Spooner Bill relating to Philippine affairs and it is a great disappointment. . . . The law effectually ties the hands of the Commission so far as developing the resources of the Islands is concerned, without which development no general prosperity can be expected. The whole thing illustrates how foolish our representatives can be when dealing with something which does not affect their chance of re-election, and concerning which they have no knowledge, nor the ambition to acquire it. No action whatever was taken to relieve us of our unfortunate currency muddle." Williams, *Odyssey*, p. 163 (March 31, 1901).



in irregular communication with some of his adherents. Thus in January, 1900, he received a letter from Hong Kong. In April he was in Abra in consultation with General Tinio, but in May, to avoid capture, he returned to the Cagayan Valley.<sup>60</sup> In August or September, 1900, he reached the little town of Palanan on the isolated northeastern coast of Luzon where on March 24, 1901, he was captured by a small party led by General Funston.<sup>61</sup> Aguinaldo was brought to Manila and treated with courtesy and consideration by General MacArthur. He immediately asked for Mabini (who had been sent to Guam) and Chief Justice Arellano who had been his first secretary of foreign affairs. With the chief justice he examined the laws which had been passed by the commission and studied the plans of the United States for the government of the islands, and being convinced that the Americans had only the welfare of the Filipinos at heart, took the oath of allegiance to the United States, which he ever after faithfully observed. With the assistance of Arellano,<sup>62</sup> he prepared and issued a proclamation to the Filipino people, in which he said:

"The time has come, however, when they (the Filipinos) find their advance along this path impeded by an irresistible force,—a force which while it restrains them, yet enlightens the mind and opens another course by presenting to them the cause of peace. This cause has been joyfully embraced by a majority of our fellow countrymen, who are already united around the glorious and sovereign banner of the United States. In this banner they repose their trust, in the belief that under its protection our people will attain all the promised liberties which they are even now beginning to enjoy. The country has declared unmistakably in favor of peace; so be it. Enough of blood;

<sup>60</sup> See *Rept. War Dept.*, 1900, I, Part 6, pp. 706-720; Part 5, p. 2011. Villas' Diary tells of Aguinaldo's narrow escape.

<sup>61</sup> Gen. Funston (*Memories of Two Wars*, Chap. VII) gives a graphic account of this remarkable exploit.

<sup>62</sup> At Cebu, on April 18, 1901, Williams wrote: "Chief Justice Arellano, who had returned to Manila from Iliolo, rejoined us here. He came to submit to the Commission the draft of a proposed proclamation prepared by Aguinaldo. To Arellano belongs largely the credit for influencing Aguinaldo to take the oath of allegiance, his return to Manila being almost coincident with Aguinaldo's capture." *Odysey*, p. 222.

enough of tears and desolation. . . . By acknowledging and accepting the sovereignty of the United States throughout the entire Archipelago, as I now do, without any reservation whatsoever, I believe that I am serving thee, my beloved Country. May happiness be thine."

With the capture of Aguinaldo, the institution of provincial governments, and the organization of executive departments, the military government of the Philippines came to an end. The legislative power had been vested in the commission since September 1, 1900. The president of the commission was now appointed civil governor and on July 4, 1901, a civil government for the islands, under the immediate control of the secretary of war, was formally inaugurated.

THE END



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